

Environment & Climate News

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Health Threat of Mercury Overblown, Scientists Say



EPA Photos

President George W. Bush speaks about his Clear Skies Initiative, which mandates a 70 percent cut in air pollution from power plants over the next 15 years, including the first-ever national cap on mercury emissions.

by James M. Taylor

Controversy over the health effects of mercury in fish and shellfish and the Bush administration's plan to reduce mercury emissions by utilities dominated the debate over environmental policy in recent weeks. Now, scientists say the health threat of current levels of mercury exposure has been exaggerated.

Joint EPA/FDA Advisory

The Environmental Protection Agency and the Food and Drug Administration on March 19 announced a joint consumer advisory on methylmercury in fish and shellfish. The advisory, aimed at

reducing mercury exposure in women who may become pregnant, women who are pregnant, nursing mothers, and young children, unifies advice from the two agencies and supersedes their 2001 advisories.

The joint advisory emphasized the small hypothetical risk from increased exposure to mercury is offset by the benefits of eating fish. "Consumers should know that fish and shellfish can be important parts of a healthy and balanced diet," stated the advisory. "They are good sources of high-quality protein and other essential nutrients; however, as a matter of prudence, women might wish to modify the

MERCURY p. 6

Environmentalists Launch Campaign Against Bush Record

by Steven Milloy

Environmental advocacy groups have commenced their election-year attack on President George W. Bush.

In March, the Union of Concerned Scientists (UCS) issued a widely covered report condemning the Bush administration for politicizing science on a number of controversial issues, from global warming to HIV/AIDS to Iraq's nuclear weapons efforts.

The irony in the accusation is thick, coming as it does from a self-described advocacy group whose anti-chemical, anti-nuclear, and anti-business statements represent the antithesis of the scientific ideal of objectivity.

The UCS accused the Bush administration of a "well-established pattern of suppression and distortion of scientific findings," particularly with respect to global warming. The UCS, for example, objects to the Bush administration's position that predicting global temperatures 100 years in the future is fraught with uncertainties.

ATTACK p. 17

Conn. Global Warming Bill Will Pump up Energy Prices

by James M. Taylor

Energy prices and unemployment in Connecticut are expected to spike if the state legislature passes a greenhouse gas control measure supported by Governor John Rowland (R).

SB 595, which has passed out of a joint committee, aims to restrict the state's greenhouse gas emissions in a manner similar to the Kyoto Protocol. The Protocol

has been rejected by the United States and has failed to garner sufficient international support for implementation.

Section 3 of SB 595 would require a reduction of greenhouse gas emissions to 1990 levels by 2010; 10 percent below 1990 levels by 2020; and 75 percent to 85 percent below 2001 levels by 2050 (unless another year is set).

CONNECTICUT p. 12

California County Enacts Nation's First Biotech Ban

by James M. Taylor

Voters in Mendocino County, California, about one hundred miles north of the San Francisco Bay, on March 2 approved the nation's first ban on genetically modified crops and animals.

The new law will make it "unlawful for any person, firm, or corporation to propagate, cultivate, raise, or grow genetically modified organisms in Mendocino County."

"We're part of a growing grass-roots movement of people all over the world standing up to the biotech industry," said Laura Hamburg, spokesperson for the "Yes on Measure H" campaign.

According to San Joaquin Valley farmer Ted Sheely, who serves on the board of directors for Truth About Trade and Technology, supporters of the ban have

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HOG FARMS AND THE ENVIRONMENT

Iowa Legislators Debate Restrictions on Hog Farm Pollution

Future regulations to conform with scientific findings

by James M. Taylor

The Iowa House of Representatives held public hearings March 8 regarding legislation to regulate air pollutants emanating from hog farms. The proposed legislation is being described by supporters as a balanced approach that would address environmental concerns without unduly restricting the state's substantial number of family farmers.

Proposal Lacked Scientific Support

For the past two years, the Iowa Department of Natural Resources (DNR) has been pushing stringent limits on common hog farm emissions such as sulfide and ammonia. In support of the stringent proposed restrictions, the DNR has cited reports by some rural residents claiming to experience symptoms of "hog asthma," including headaches, breathing difficulties, and odor-induced nausea.

The DNR's proposed restrictions have been widely criticized as giving too much credence to subjective reporting of symptoms, and not enough to scientific health data. The Iowa legislature intervened last year and barred implementation of the DNR restrictions.

Legislation Defers to Consensus

Under discussion March 8 was compromise legislation, sponsored by Rep. Sandy Greiner (R-Keota), that would authorize a comprehensive three-year study of hydrogen sulfide, ammonia, and odor emanating from hog farms, and then formulate new regulations based on objective health data. Until the study is complete, Iowa would follow federal environmental standards regarding hog farm air pollution.

Environmental activists squared off against family farmers during the March 8 public hearings, with scientists and policy analysts weighing in on both sides of the issue.

Environmental activists criticized Greiner's proposal for creating a three-year delay before the implementation of any new state-level restrictions. The activists want stringent new restrictions to be implemented immediately, before the scientific evidence is in.

"We believe this bill would effectively stop any real attempts to



The regulation of hog farms in Iowa will be based on science rather than emotion if a bill sponsored by State Rep. Sandy Greiner (right) is passed by the state legislature.



KRT

address the concerns of thousands of rural Iowans," said Rich Leopold of the Iowa Environmental Council. "This bill is a stall tactic."

By contrast, family farmers stated their interest in preserving a healthy environment and appeared willing to commit to whatever new environmental restrictions may be called for as a result of the proposed scientific study. They were, however, wary of allowing environmental activists to author harsh new restrictions that have no scientific basis and would be almost impossible to repeal even if scientific study finds them to be unnecessary.

"We're not looking for the right to pollute," said West Liberty farmer Mike Deahr. "Nor are we looking for a zero-tolerance environment."

Pottawattamie farmer Chris Perdue warned that oppressive environmental restrictions without a scientific basis would force many farmers out of business without justification.

"Livestock is important to Iowa's economy," said Perdue. "We can't

afford to lose this industry. When it comes to making regulations, they need to be fair for everyone involved."

Addressing concerns by University of Iowa professor Peter Thorne that scientific study would allow unfettered air pollution during the upcoming three years, Mike Triplett of the Iowa Association of Business and Industry pointed out that all Iowa farms must still meet all applicable federal standards, and that conflicting interim standards would cause more harm than good.

"It is crucial that [farmers] do not face conflicting interpretations between EPA and DNR," said Triplett. "Our state needs to be in a position where businesses and their employees can thrive."

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INTERNET INFO

For more information on the environmental effects of hog farming, see the three-part *Environment & Climate News* series:

"Hog Farms and the Environment: An Investigative Series," December 2003, <http://www.heartland.org/Article.cfm?artId=13708>.

"Hog Farms and the Environment: Alternatives to Lagoons," January 2004, <http://www.heartland.org/Article.cfm?artId=14028>.

"Science, Politics Shape Future of Hog Farming," February 2004, <http://www.heartland.org/Article.cfm?artId=14286>.

Activist Groups Sue to Stop Oil Production in National Petroleum Reserve

“Like suing farmers to stop producing milk from cows”

by James M. Taylor

Seven environmental activist groups have raised the stakes regarding their opposition to Alaskan oil recovery, suing the federal government to stop oil production in the National Petroleum Reserve. The suit, filed in February, claims the interests of caribou and other animals must take priority over oil production in the reserve.

“The administration is really bent over backwards to favor oil development over all other resource values in this area,” claimed Deirdre McDonnell, staff attorney for Earthjustice, one of the groups behind the lawsuit.

The National Petroleum Reserve is 23 million acres of land—about the size of Indiana—specifically set aside by the federal government in 1923 for oil production. The Reserve is located approximately 100 miles from the Arctic National Wildlife Refuge (ANWR), whose prodigious reserves activists have successfully kept from oil production.

Earthjustice, commonly perceived as one of the more extreme environmental groups, was joined in the lawsuit by several self-described “mainstream” groups, including the Sierra Club, National Audubon Society, and Natural Resources Defense Council.

“Outside the Realm of Common Sense”

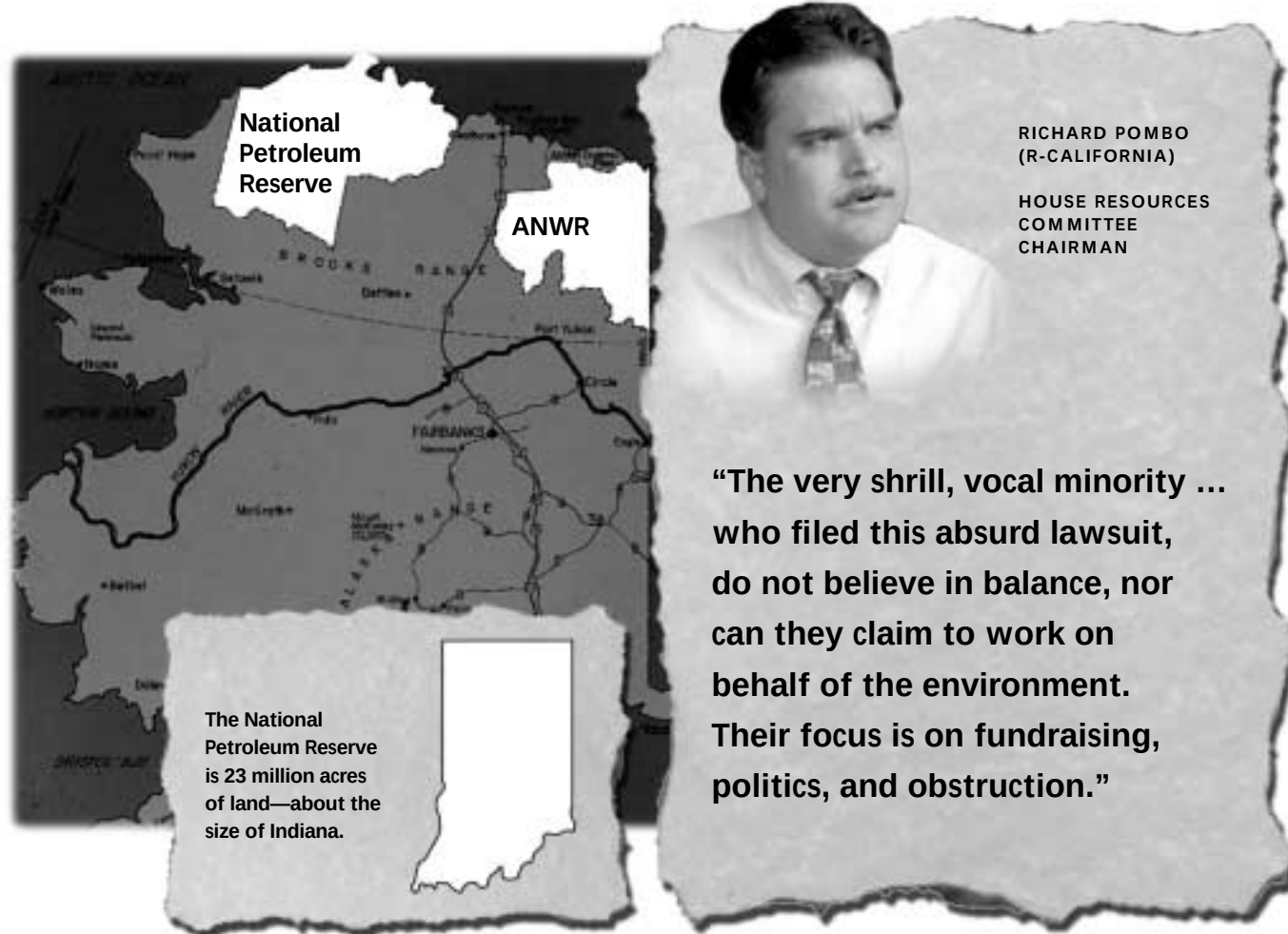
“Most Americans know that environmental organizations operate outside the realm of common sense and accountability, but this time Americans will see just how radical they have become,” said House Resources Committee Chairman Richard Pombo (R-California). “Suing to stop petroleum production in a petroleum reserve is like suing farmers to stop producing milk from cows. If we can’t get petroleum from the National Petroleum Reserve, where can we get it?”

Dan Lavery, an Alaskan specialist with the Sierra Club, described the contested National Petroleum Reserve land as a “very sensitive” part of the environment.

In response, Pombo wondered if there is any land in the nation the Sierra Club would not deem “very sensitive” and upon which the Sierra Club would support resource recovery.

Said Pombo, “These groups say they are pro-environment, but it is clear that they are just anti-energy, anti-American jobs, and anti-economic growth. The more they halt production at home, the more we send American jobs and money overseas to make up the difference.

“Last year alone,” Pombo continued, “the United States sent over \$100 billion worth of American jobs to foreign nations for energy that could have been produced here at home. As demand grows and so-called environmentalists continue to file lawsuits, Americans will lose more jobs and pay more for their energy. Given the choice, what taxpayer wouldn’t want to spend \$100 billion here on jobs, safe energy development, and a stronger economy?”



“Cash Cow”

“There is a big difference between active environmentalism and environmental activism,” Pombo added. “Most Americans today fall into the first category, taking part in community conservation efforts and recognizing that balance must exist between man and the environment. The very shrill, vocal minority that fall into the latter category, such as those who filed this absurd lawsuit, do not believe in balance, nor can they claim to work on behalf of the environment. Their focus is on fundraising, politics, and obstruction.”

“Suing to stop petroleum production in a petroleum reserve is like suing farmers to stop producing milk from cows. If we can’t get petroleum from the National Petroleum Reserve, where can we get it?”

RICHARD POMBO (R-CALIFORNIA)
HOUSE RESOURCES COMMITTEE CHAIRMAN

Brian Kennedy, spokesman for the House Resources Committee, emphasized the financial ulterior motives behind the suit. Kennedy noted ANWR “has been a cash cow” for activist fundraising efforts. Opposing resource recovery in yet another portion of Alaska, said Kennedy, is “something else to add to their dossier of frivolous lawsuits that they can highlight in their glossy mail to raise more funds.”

“The way environmentalists stay alive is through fundraising,” observed Kennedy.

Jim Waltman, director of refuges and wilderness for the Wilderness Society, attempted to defend the suit. “We are very concerned by what this administration

has done in a lot of places, especially in Alaska,” said Waltman. “They won’t be satisfied until 100 percent of this area is opened to oil and gas development.”

To the contrary, activist groups will not be satisfied until 100 percent of America is ruled off limits for resource recovery, observed Pombo.

Threat to Economic Growth

“We import over 60 percent of our energy needs from foreign countries,” Pombo continued. “That’s billions in lost revenues and jobs in a time when the peo-

ple of this nation need good jobs and steady income. ... As supplies here at home dwindle, prices increase, Americans lose jobs, and our economy tanks. Federal Reserve Chairman Alan Greenspan ... cited increasing oil and gas prices as the biggest threat to continuing economic growth.”

Malcolm Roberts, a senior fellow at the public policy group Institute for the North, expressed disappointment at the lawsuit. Roberts emphasized that modern technology, such as directional drilling and seismic imaging, allow for maximum resource recovery while disturbing very little of the local environment.

“As long as adequate regulation and

oversight is implemented, then we really have a gold-plated oil and gas procedure in the northern slope,” said Roberts.

“Many expert studies, such as the 1999 Clinton administration report titled ‘Environmental Benefits of Advanced Oil and Gas Production and Exploration Technology,’ conclude that domestic energy production must be increased,” observed Barbara Cubin (R-Wyoming), chair of the House Resources Subcommittee on Energy and Minerals. “The Clinton report shows that domestic production is the key to economic growth, good jobs, national security, and global environmental safety. Nonetheless, radical environmental organizations continue their crusade against safe energy production.”

Cubin pointed out that at the same time the activist groups sued to stop resource recovery in the National Petroleum Reserve, “a faction of these groups filed a suit to stop the production of clean natural gas in Wyoming’s San Juan Basin, where roughly 41 percent of the nation’s natural gas reserves are located.”

“The unfortunate irony here is that in the name of the environment, radical environmentalists are actually halting environmental progress and economic growth,” Pombo summarized. “We need to change our policies for the twenty-first century to embrace the fact that environmental safety is brought about by economic prosperity. We will get both, and the consumer will win twice, by increasing energy production here at home.”

James M. Taylor is managing editor of Environment & Climate News. His email address is taylor@heartland.org.

Group Names Property Rights Champions

by James M. Taylor

The League of Private Property Voters (LPPV) has named 192 U.S. Representatives and 35 U.S. Senators "Champions" for property rights issues.

The group especially applauded Democratic Representatives Rodney Alexander (Louisiana), Chris John (Louisiana), Collin Peterson (Minnesota), and Charles Stenholm (Texas) for joining a majority of Republicans in the Champions category.

LPPV also identified Representatives Jim Leach (Iowa) and Christopher Shays (Connecticut) as the only two Republicans to earn its "Enemies of Property Rights" label. In total, 165 Enemies were identified in the House and 35 in the Senate.

The complete list of Champions and Enemies appears in LPPV's *15th Annual Private Property Congressional Vote Index*.

The index helps voters identify legislators who have acted to protect the property interests of private citizens against what LPPV describes as a powerful and often intrusive federal government.

The votes on which legislators' performance was judged were selected after discussions with two dozen leaders of the national Wise Use movement. The votes represent 2003's most important opportunities for legislators to demonstrate their support for protecting the constitutional rights of property owners against federal intrusion. They also show support for recreational access on federal lands, upon which many rural communities depend.

Federal legislators who achieved a score of 80 percent or higher were praised as Champions of Property Rights. Legislators who failed to score 20 per-

cent or better were identified as Enemies of Property Rights.

High Praise

LPPV singled out for special praise legislators who have been working hard on two separate issues of great interest to rural Americans.

LPPV applauded "The Terrific Twenty-Seven" congressmen who are working to keep private property owners on equal footing with well-funded activist groups seeking to buy up rural property and keep local residents out.

"Congressmen Wally Herger (R-California) and Steve Pearce (R-New Mexico) teamed up last year to lead the charge for private property rights at a critical moment," notes the LPPV *Index*. "The Nature Conservancy and other powerful Land Trusts attempted to grab a

billion dollar tax cut deal for themselves late in 2003. This would have placed them at a huge advantage over private property owners in buying and selling real estate. ...

"Herger, a senior member of the Ways and Means Committee, which has jurisdiction over tax policy, joined with freshman Pearce and rounded up 25 other members to sign [a letter opposing the deal]. The special Land Trust provision was stripped out of the bill in the House, but is still alive in the Senate as of February 2004."

LPPV also singled out for praise "The Fabulous Forty" congressmen who are attempting to scale back unreasonably strict interpretation and enforcement of wetlands legislation.

"Congressmen Richard Pombo (R-California) and Charles Stenholm (D-Texas) joined forces to send a letter with 39 others to White House Chief of Staff Andrew Card," explains the *Index*. "Pombo is Chairman of the Resources Committee and Stenholm is the top ranking Democrat on the Agriculture Committee. The letter supports reasonable wetlands regulations and enforcement of the landmark Supreme Court decision, *Solid Waste Agency of Northern Cook County (SWANCC) v. United States Army Corps of Engineers*—the SWANCC decision."

LPPV is a coalition of more than 600 grassroots organizations that advocate the rights of property owners, including farmers, ranchers, residents of rural communities, and citizens residing near federally owned lands.

Brian Kennedy, spokesman for the House Resources Committee, commended LPPV as "the voice of America's real environmental stewards—our farmers, ranchers, and private property owners."

Said Kennedy, "These are the folks who live on the land, make their living off the land, and have hands-on roles in conservation every day."

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Restricting Nevada Growth Would Cause Economic Drought, Study Concludes

Anti-growth policies fail to save water, would cause dire economic consequences

by James M. Taylor

Greater Las Vegas, the nation's fastest growing metropolis, would suffer dire economic consequences if anti-growth activists succeed in restricting future growth, according to a study commissioned by the Southern Nevada Water Authority (SNWA).

The report, presented February 26 by Hobbs, Ong & Associates, confirmed a similar study commissioned by SNWA and conducted in 1992 by William T. White Associates. The White study had determined "Additional water supplies for Las Vegas are essential to a high quality future, not only for Las Vegas but also for the rest of the state of Nevada, including especially the areas from which the now unused water is proposed to be taken."

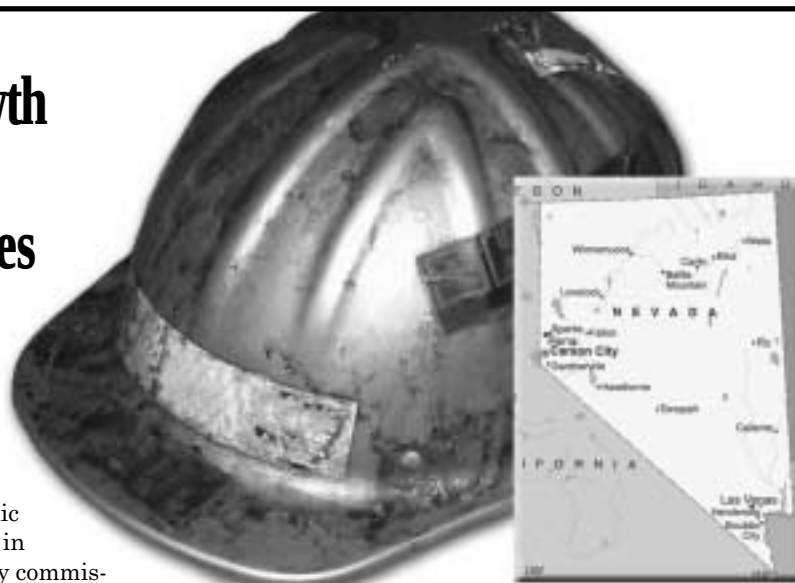
According to the new Hobbs, Ong & Associates study, government efforts to stop or even slow future growth would severely damage the greater Las Vegas construction industry and the many industries that supply construction projects.

"There is a ripple effect," said Jeremy Aguero, principal analyst for Applied Analysis, which participated in the study. "The industries aren't separate. They do cross over."

The construction industry employs roughly 10 percent of the Nevada workforce, notes the study, with the percentage rising to 17 percent—roughly 157,000 people—when construction-related industries are taken into account.

According to the study, imposing anti-growth policies on greater Las Vegas would result in rising unemployment, declining production, lost tax revenues, declining personal income, and increases in poverty, crime, and demand for government services.

One proposal favored among anti-growth activists—which would result in a 65 percent drop in residential construction as a means of combating growth—would be followed by 10 full years of economic downturn, causing 1.3 million person-years of increased unemployment, according to the study. In addition to unemployment, the



anti-growth proposal would cost \$148 billion in lost economic output and \$15 billion in lost tax revenue.

Henderson City Councilwoman Amanda Cyphers said the study cleared up some confusion she and some of her constituents had regarding anti-growth activists' claims that restricting growth would create economic and water conservation benefits.

"They're not related," said Cyphers after viewing the study. "They've always been separate. This report shows there's a whole domino effect that could happen if we decide to tamper with our growth."

Cyphers emphasized future water needs can be better met by developing currently untapped sources such as the Virgin and Muddy rivers and from regional groundwater sources.

"There's not a shortage of water," Cyphers said. "But we're still in a drought and we still need to use our water wisely. In the future, the biggest factor on our water supply won't be about whether we have water, but what will it cost."

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INTERNET INFO

The executive summary of the Hobbs, Ong & Associates report can be downloaded from the Southern Nevada Water Authority's Web site at http://www.snwa.com/html/news_economic_impact.html. A CD containing the full text of the 650-page report can be ordered.

INTERNET INFO

The complete text of the League of Private Property Voters' 2003 *Private Property Congressional Vote Index* is available through PolicyBot™. Point your Web browser to <http://www.heartland.org>, click on the PolicyBot button, and search for document #14733.

For more information on property rights issues, visit The Heartland Institute's Environment issue suite at <http://www.heartland.org/IssueSuites.cfm?issid=2> and click on the topic Environment-Private Property topic. Or visit the Web site of the American Land Rights Association at <http://www.landrights.org/>.

Mercury

Continued from page 1

amount and type of fish they consume if they are planning to become pregnant, are pregnant, nursing, or feeding a young child."

The advisory offered three recommendations for pregnant mothers and mothers of young children. According to EPA and FDA, women covered by the advisory should:

1. Avoid eating shark, swordfish, king mackerel, or tilefish because these species tend to contain high levels of mercury.

2. Eat up to 12 ounces (two average meals) a week of a variety of fish and shellfish—such as shrimp, canned light tuna, salmon, pollock, and catfish—that tend to be lower in mercury.

3. Check local advisories about the safety of fish caught by family and friends in local lakes, rivers, and coastal areas.

According to the EPA/FDA advisory, women following the advisory "will receive the benefits of eating fish and shellfish and be confident that they have reduced their exposure to the harmful effects of mercury."

"Research shows that most people's fish consumption does not cause a health problem," noted the advisory. "Fish and shellfish are an important part of a healthy diet. Fish and shellfish contain high-quality protein and other essential nutrients, are low in saturated fat, and contain omega-3 fatty acids."

"A well-balanced diet that includes a variety of fish and shellfish can contribute to heart health and children's proper growth and development," continued the advisory. "So, women and young children in particular should include fish or shellfish in their diets due to the many nutritional benefits."

Liberal Democrats Attack Bush

The EPA/FDA advisory was issued in the midst of a media blitz by liberal environmental groups opposed to the Bush administration's proposal to regulate industrial mercury emissions.

In late 2003, the Bush EPA proposed a plan to cut mercury emissions from power plants by 40 percent by 2010, and 70 percent by 2018. The administration intends to announce a final regulation late in 2004. (See "EPA Proposes Mercury Limits," *Environment & Climate News*, January 2004.)

Although the Bush proposal would mark the first time the federal government has regulated mercury emissions, activist groups nevertheless are criticizing the administration for not proposing even bigger cuts in emissions and for including cap-and-trade mechanisms in the regulations.

While the Clinton EPA chose not to regulate mercury emissions during its eight-year tenure, then-administrator Carol Browner is now a vocal proponent of mercury regulations. She opposes any program that would not require an across-the-board 90 percent reduction in mercury emissions.

"We had evidence that you could get there. ... It is possible. It is doable," Browner said at a recent news conference. She argued EPA should require mercury reductions to "the lowest level achievable rather than asking industry, 'What do you feel like doing?'"



A March 19 advisory issued by the EPA and FDA recommended pregnant mothers and others eat up to 12 ounces of canned light tuna a week. Tuna tends to be lower in mercury than other fish and shellfish.

Photographer Showcase

Technology and Emissions Trading

"There currently is no commercially available mercury-specific control technology," countered Dan Riedinger, a spokesman for the Edison Electric Institute. "Our hope is that toward the end of this decade, we will have at least identified new technologies for removing mercury from different coal types and using different boiler configurations."

"It is possible to get a 90 percent reduction in mercury emissions in certain coal types and certain boilers, but to then make

tem for sulfur dioxide," Krugman added, "has been a big success."

Despite support for cap-and-trade by one of the *Times*' most liberal columnists, environmental activist groups have consistently opposed such mechanisms, and they remained true to form with respect to the proposed mercury regulations.

"The debate is what's the best option, given the available technology. And we think that, given the state of technology, cap-and-trade is better and we're leaning that way," said EPA spokeswoman Cynthia Bergman.

"Recent findings by the Centers for Disease Control show that the level of mercury found in humans is far below the threshold of health risk, even for sensitive populations."

DR. WILLIE SOON

the jump and assert a 90 percent reduction is possible across the entire industry is simply impossible," added Riedinger. "The actual range of reductions varies, from between about 17 percent to 90 percent."

Said EPA Administrator Mike Leavitt, "In the near future, will there be technology capable of getting a 90 percent reduction of mercury from coal-fired power plants? No. Technology is simply not there for now. Our proposed rule will achieve a 69 percent reduction in mercury emissions. Our preferred approach takes us away from 'command and control' and instead provides a proven, market-based emissions 'cap-and-trade' system. The EPA sets mandatory industry reduction targets emission caps and dates and gives utilities flexibility in finding the best way to meet them."

"For some pollutants, setting a cap on total emissions, while letting polluters buy and sell emission rights, is a cost-efficient way to reduce pollution," explained the *New York Times*'s Paul Krugman in an April 6 editorial. "The cap-and-trade sys-

Scientists Say Little Threat

While political debate rages about what regulatory method would most effectively and efficiently reduce mercury emissions, the scientific debate is largely settled: Mercury poses little or no threat to the health and well-being of U.S. citizens.

Steven Milloy, an adjunct scholar at the Cato Institute and author of *Junk Science: Self-Defense Against Health Scares and Scams*, questioned the need for even the limited EPA/FDA advisory. Said Milloy, "There's no evidence the rules will protect anyone, and they're likely only to foster undue concern about an important part of our food supply."

"It's certainly true such larger fish tend to have higher levels of mercury in their tissue, since mercury levels tend to accumulate up the food chain," Milloy added. "But unless women are consuming fish that have been exposed to industrial-level concentrations of mercury for extended periods of time, as Japanese women in the vicinity of Minamata Bay

did during the 1950s, it's not at all clear that consuming large fish is any sort of health risk."

More than half the mercury in the Earth and its environment comes from natural sources. Man-made sources, primarily power plants, produce the remainder of environmental mercury. U.S. power plants account for only 1 percent of global environmental mercury, according to the Center for Science and Public Policy, and those emissions are already in steep decline.

According to Harvard-Smithsonian physicist Dr. Willie Soon, "Recent findings by the Centers for Disease Control show that the level of mercury found in humans is far below the threshold of health risk, even for sensitive populations."

Added Soon, "Placing heavier regulatory burdens on already-clean U.S. power plants that will drive up energy prices makes little economic sense."

"It's quite possible we could spend \$4 billion per year reducing mercury and end up with nothing to show for it but higher electricity bills," concurred Joel Schwartz, contributing author to Tech Central Station and a visiting fellow at the American Enterprise Institute.

Indeed, activist claims that women and children are being harmed by mercury are "a whole lotta baloney," according to an April 8 editorial in the *Wall Street Journal*.

"About the only thing (such claims) prove is that trusting 'environmentalists' in a political debate is harmful to your health and the national well being," stated the *Journal*. "There's no evidence to suggest that cutting emissions will reduce mercury in fish. There's also no credible science showing America faces any health threat at all from current fish consumption."

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Energy Bill Debate Confirms Trial Lawyer Influence

by Doug Bandow

Among the most divisive issues in the current session of Congress is the energy bill, which failed last November in the face of a Democratic filibuster backed by a handful of Republican fiscal conservatives.

Although GOP opponents worried about unnecessary spending, Democrats targeted one of the legislation's few worthwhile provisions: limiting legal liability for producers of methyl tertiary butyl ether (MTBE).

Senate Minority Leader Tom Daschle (D-South Dakota), who lobbied for increased subsidies for already heavily subsidized ethanol producers, offered to deliver the necessary Democratic votes for passage if the MTBE protection were removed.

MTBE is a fuel additive used for gasoline. Its sales took off after 1990, when Congress mandated the use of oxygenates in gasoline to reduce smog. At the time, legislators thought they were providing yet another preference for ethanol, one of the most economically pampered interests in Washington. But MTBE proved to be the superior product.

Dangers May Be Overstated

Unfortunately, gasoline containing MTBE has leaked from some defective underground storage tanks, contaminating local water supplies and raising public health concerns—which some observers say are overblown.

Two years ago Robert Hirsch, associate director for water at the U.S. Geological Survey, told Congress: "MTBE is primarily an aesthetic (taste and odor) problem."

He added, "Our studies also suggest that MTBE levels do not appear to be increasing over time and are almost always below levels of concern from aesthetic and public health standpoints."

Trial attorneys nevertheless have flocked to the issue. Some firms now specialize in MTBE litigation and are soliciting states and municipalities as clients. Damage claims eventually could run in the hundreds of millions of dollars or more.

Some plaintiffs use demagoguery to try defendants through the media. After hiring Fred Baron, president of the Association of Trial Lawyers of America, to manage its MTBE litigation, Santa Monica, California, tried to pose as a helpless victim:

"Santa Monica is a small city, which needs to take on corporate giants with unimaginable financial resources and political power," claimed a news release issued by the city in June 2000, when it filed suit against 18 oil industry companies.

After the city won a large settlement last year, it acknowledged "there likely was very little public exposure" to MTBE because Santa Monica closed its wells shortly after discovering the contamination. Moreover, Santa Monica said it was

not "aware of" any health problems facing its residents.

Finding Fault

The real issue is not the appropriateness of recompense, but who should pay. If someone was at fault, he or she should be held liable.

However, plaintiffs prefer to find a deep pocket rather than a guilty defendant. So they are suing the MTBE makers under product liability laws, contending the additive is defective. Product liability lawsuits do not require proof of negligence. If a product is ruled defective, liability is automatically established.

But MTBE as MTBE is not the problem. The cause of contamination is almost always faulty storage.

The U.S. Geological Survey found MTBE "typically is present at very low concentrations in shallow ground water within areas where MTBE is used," reported Hirsch.

He added: "The few locations in our database with high concentrations of MTBE may be associated with leaking underground storage tanks." The Environmental Protection Agency's water surveys have found the MTBE problem to be decreasing as tanks have been upgraded.

Thus, Congress had good reason to approve MTBE immunity for product liability.

Contrary to claims by the trial bar, the measure would in no way prevent wronged parties from suing companies responsible for leaky storage tanks. But litigants would have to demonstrate fault. That hardly seems unreasonable when they are seeking multimillion-dollar awards.

Uncertain Political Fate

Today the MTBE provision is tied to the fate of the larger, budget-busting energy bill. Its future remains uncertain, as the bill's core provisions look worse the more attention they receive.

In any case, the MTBE protection should not be sacrificed in an attempt to win votes. It would be better to add the few beneficial initiatives, such as the MTBE measure, as amendments to other bills.

Those legislators seeking to flood the nation's courts with MTBE litigation are doing the trial bar's bidding while proclaiming their commitment to the public interest.

Liability reform remains essential, both to protect legal justice and encourage economic growth. Best would be to pass systematic changes to ensure that evidence of harm and fault precede any guilty verdict.

But until Congress proves willing to confront the trial attorneys head-on, more limited fixes like the MTBE provision are a necessary second-best approach.

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GLOBAL SATELLITE TEMPERATURES

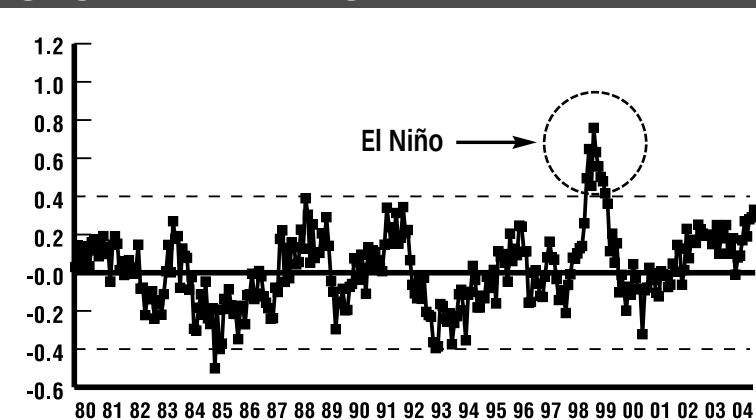
EARTHTRACK



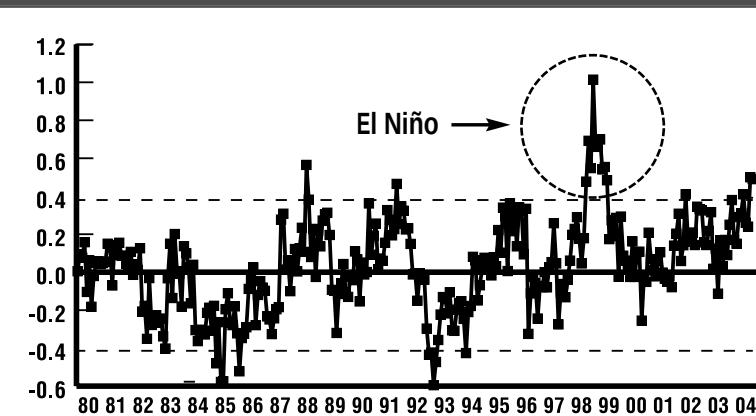
MARCH 2004

The global average temperature (top) for March was 0.33°C above normal. The Northern Hemisphere's temperature (middle) was 0.49°C above normal. The Southern Hemisphere's temperature (bottom) was 0.16°C above normal.

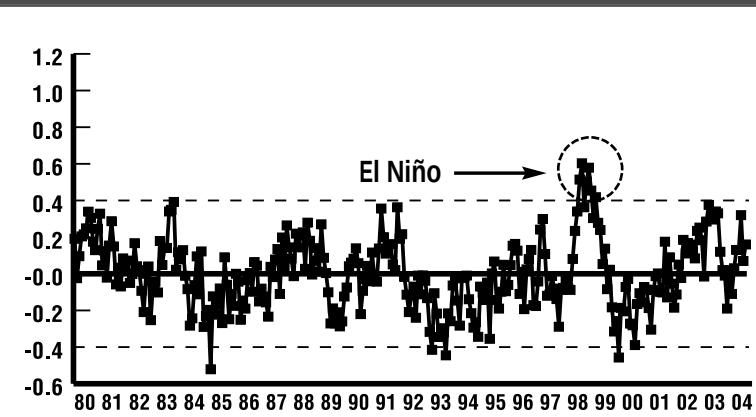
GLOBAL AVERAGE



NORTHERN HEMISPHERE



SOUTHERN HEMISPHERE



Each month, Earth Track updates the global averaged satellite measurements of the Earth's temperature. These numbers are important because they are real—not projections, forecasts, or guesses. Global satellite measurements are made from a series of orbiting platforms that sense the average temperature in various atmospheric layers. Here, we present the lowest level, which climate models say should be warming. The satellite measurements are considered accurate to within 0.01°C. The data used to create these graphs can be found on the Internet at http://vortex.nsstc.uah.edu/data/msu/t2lt/tltglhmm_5.1.

Biotech

Continued from page 1

“turned back the clock with a ban on one of the most useful environmental tools available to farmers: biotechnology.”

Other California counties are being targeted by anti-technology groups, and anti-biotech legislation is being considered in Vermont and North Dakota.

“Measure H isn’t an isolated event,” observed Sheely. “It’s part of a small but growing national effort to stamp out agricultural biotechnology.”

“Agricultural biotechnology has helped farmers around the world boost their productivity and grow crops in cleaner fields while allowing much more efficient use of resources,” added Sheely. “That’s good for growers, consumers, and anybody who cares about the environment. Increasing yields on existing acreage reduces the pressure to convert forests in the U.S., and in other countries, into farmland. Isn’t that a worthwhile benefit?”

In 2002, activists failed in an attempt to make Oregon off-limits for biotechnology. Seventy percent of Oregonians voted against the initiative.

“The Oregon vote,” reported Sheely, “was so lopsided that the enemies of biotechnology decided they needed to achieve a political victory somewhere, no matter how small the locality. So they went shopping for an ideal venue. They thought they found it in Mendocino County because of its liberal reputation. But is it liberal to ban a tool that has helped us fight diabetes, Parkinson’s disease, AIDS, cancer, and



“Agricultural biotechnology has helped farmers around the world boost their productivity and grow crops in cleaner fields while allowing much more efficient use of resources.”

TED SHEELY

other afflictions? Not in my book.”

Safe Technology

“Scientists worldwide agree that gene-splicing is merely a refinement, or improvement, over less precise and predictable genetic techniques that have been used for centuries,” said Henry Miller, a research fellow at the Hoover Institution, a think tank on the campus of Stanford University in Stanford, California.

“A recent report summarizing the conclusions of 81 different European Union-

funded research projects spanning 15 years shows that, because gene-spliced plants and foods are made with highly precise and predictable scientific techniques, they are at least as safe, and often safer, than their conventional counterparts,” added Miller.

“Moreover,” he continued, “the technology has been given a clean bill of health by dozens of scientific bodies around the world, including the French Academies of Science and Medicine, U.K. Royal Society, U.S. National Academy of Sciences, and the American Medical Association.”

“While literally thousands of studies show the risks of gene-splicing plants and foods to be minimal, their benefits are legion and their potential extraordinary,” added Gregory Conko, a senior fellow and director of food safety policy with the Competitive Enterprise Institute. “Globally, the adoption of gene-spliced crops has reduced pesticide use by tens of millions of pounds annually (resulting in less occupational exposure and less runoff into waterways) and saved millions of tons of topsoil from erosion.

“In less-developed countries,” Conko continued, “gene-spliced crops have increased yields and raised the incomes of resource-poor farmers. Future advances promise to improve human nutrition, reduce the land and water needed to produce food, and save ecosystems from fragmentation and development.”

“I don’t think we can afford to let [Measure H] stand,” said Allan Noe, spokesman for CropLife America, a trade group that is considering a legal challenge to the ban. Noe said voters were not given enough time to learn about biotechnology before they were asked to vote on it.

“The tactic of creating fear of the unknown was, in this short time frame, difficult to disarm,” said Noe.

“It’s sending a negative message in a state where we rely on science to create the technology and the jobs of the future,” said Joe Panetta, president and CEO of BIOCOM San Diego.

James M. Taylor is managing editor of Environment & Climate News. His email address is taylor@heartland.org.

Asbestos Litigation Choking Courts with False Claimants

by Dana Joel Gattuso

The nation’s system for handling asbestos litigation is in crisis.

Fueled by powerful trial attorneys rewriting the books on tort law, some 730,000 asbestos claims have been filed ... and most are made by healthy, unimpaired individuals. The flood of unmerited claims has bankrupted so many defendant companies that legitimate victims suffering from asbestos exposure have been squeezed out, unable to collect compensation that is rightfully theirs.

Meanwhile, asbestos lawsuits—the most expensive type of litigation in U.S. history, according to numbers released recently by the RAND Corporation—are taking their toll on the U.S. economy, costing businesses a whopping \$70 billion and bankrupting 66-plus companies. Nobel laureate Joseph Stiglitz estimates asbestos lawsuits have killed close to 60,000 jobs.

Background

Asbestos was used most widely in the U.S. for fire prevention and insulation during World War II and, to a lesser extent, throughout the 1950s and 1960s. Many workers exposed to the tiny fibers suffered from real and often fatal injury from severe scarring of the lungs or cancer. Many companies taken to court were rightfully found responsible and held culpable.

Most manufacturers stopped produc-

ing asbestos by the early 1970s as the dangers from its use were more commonly understood. Asbestos-related cancer rates have been falling steadily since the early 1990s.

But as the once-plentiful pool of defendants gradually diminished, plaintiff attorneys began to get creative. As a result of some fancy footwork reinventing the rules on asbestos litigation, the number of claims has skyrocketed, from 21,000 in 1982 to 730,000 in 2002; similarly, litigation and compensation costs rose from a billion dollars in 1982 to \$70 billion by 2002.

Called “special asbestos law” by some legal scholars, standards of proof for culpability and causation have now become so relaxed that hundreds of thousands of claimants are winning thousands of dollars in damages without having to prove injury. For example, plaintiffs routinely are winning by showing merely that their employer used asbestos products, not that they were actually exposed to the substance. Also, standards for which medical records can be used as evidence are so loose that they need not show the claimant is ill, only that injury could occur.

Legal experts have known about these perversities for close to a decade. In 1997, Supreme Court Justice Stephen Breyer wrote in an opinion that “Up to half of asbestos claims are now being filed by

people who have little or no physical impairment.”

Claimants without Injury

But now there is alarming evidence that through the development of this “special” tort law, standards and rules of litigation have become so lenient that as many as 90 percent of all asbestos claimants are without injury. In a recent issue of the *Pepperdine Law Review*, Yeshiva University law professor and leading asbestos litigation scholar Lester Brickman provides an eye-opening account of unethical activity and even widespread fraud among plaintiff attorneys in recruiting industry workers en masse (“Find out if YOU have MILLION-DOLLAR LUNGS” was the bait of one ad), colluding with medical screening companies, and even fabricating claimants’ depositions.

“Hundreds of thousands (of industrial and construction workers), assembled through an unprecedented recruitment effort by plaintiff lawyers, have no discernable illness or impairment,” writes Brickman.

According to Brickman, plaintiff attorneys routinely hire screeners who manipulate plaintiffs’ medical reports and administer pulmonary medical tests through methods that violate medical standards, including those established by the American Thoracic Society. Another disturbingly

common approach is for trial attorneys to coach claimants to give inaccurate statements on the amount of exposure they had to asbestos and on their health condition.

Most disturbing are Brickman’s documented descriptions of plaintiff attorneys colluding with doctors and falsifying medical testimony to give the impression a claimant has asbestosis when no such medical evidence exists. Brickman contends that in some cases, attorneys pay tens of millions of dollars a year to a pool of 40 to 50 doctors who knowingly misrepresent the medical evidence.

Legal experts have pleaded for more than a decade for major asbestos litigation reform to end what Supreme Court Justice Ruth Bader Ginsburg has called the “elephantine mass” of asbestos cases. Congress has introduced much-needed reform legislation numerous times over the past decade, but the powerful trial attorneys, aligned with organized labor, have stopped legislation from passing every time.

If the rules now governing asbestos litigation have become so perverse that corruption can exist to the extent Brickman describes, we well may need reform a lot more desperately than we even imagined.

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Governors Call for Endangered Species Act Reform

by James M. Taylor

On the 30-year anniversary of the federal Endangered Species Act (ESA), the nation's governors came together in a bipartisan effort to urge more state participation in federal endangered species programs.

Gathering at the National Governors Association's (NGA) Winter Meeting on February 22, the nation's governors issued a joint statement expressing concern over several facets and implementation strategies of the ESA, and encouraging more grassroots participation to make the act more effective and citizen-friendly. Colorado Governor Bill Owens, chairperson of the NGA's endangered species committee, spearheaded the discussion and personally proposed many of the statement's provisions.

The governors noted nearly 1,300 species of fish, wildlife, and plants have been listed as threatened or endangered since inception of the ESA in 1974—but only nine species have recovered sufficiently to be removed from the list. The governors made the following observations regarding the low recovery rate:

- ESA is "crisis-driven." The act needs a system of incentives to encourage state and local governments to develop comprehensive land-use and development plans that balance habitat preservation and environmental concerns with necessary development and economic growth. ESA should encourage private landowners to engage in habitat conservation activities. It must identify and prevent problems before they become critical and more difficult to manage.

- Funding for ESA should be enhanced to address the growing list of threatened and endangered species.

- ESA needs a clear methodology for delisting recovered species. Even when actual recovery has occurred, species frequently are not delisted. This failure to acknowledge success aggravates public frustrations generated by the cost and inflexible processes of ESA.

- ESA would benefit from providing more meaningful opportunities for states to comment, participate, or take the lead before the federal government makes any number of decisions—ranging from listing through delisting—under ESA. Such consultation is largely optional under the current scheme and has been provided erratically.

- Together, all of these factors would help rebuild public support and enthusiasm for the maintenance of biological diversity and the protection of species and habitats. Public support

Citizen and state participation too scarce under current program

is essential to successful accomplishment of the goals of the act as established by Congress.

In an issue brief titled "Tapping State Leadership to Manage Endangered Species," the governors called for reauthorization and amendment of the ESA based on three goals: to increase the role of states, to streamline the act, and to increase certainty and technical assistance for landowners and water users. Those goals, stated the governors, should be achieved while maintaining the act's integrity and original intent to conserve listed species. The governors suggested several specific steps to implement those goals:

- The ESA "should continue to give priority to the conservation of the species and habitats that, if protected, are most likely to reduce the need

the secretary retains final decision-making authority."

- To increase cooperation the law "must enable stakeholders to participate directly in the important decisions of ESA management. Currently, public comments are only required to be solicited for the development of recovery plans. During both the listing process and the drafting of recovery plans, public hearings and the solicitation of comments should be required and significant comments should be addressed."

- Current law allows judicial review only for the denial of a listing petition, not for the acceptance. To ensure fair and equal access to the legal system, judicial review must be granted for either the denial or the acceptance of a petition.

"The reauthorized act must provide incentives for state and local governments, private landowners, and private organizations to assist in species habitat and species conservation and with recovery efforts and habitat preservation."

NATIONAL GOVERNORS ASSOCIATION

to list other species dependent on the same ecosystem."

- Species protection should include incentives such as authorization for short-form, cost-effective habitat conservation plans under Section 10; "no surprise" policies; safe-harbor policies; small landowner and small impact exemptions; and other initiatives that provide certainty and encourage voluntary efforts by landowners.

- The ESA program is best served by an increased state role in species management. "The act should affirm and be carried out in a manner that recognizes the broad trustee and police powers that states possess over fish and wildlife within their borders, including those found on federal lands, and the concurrent jurisdiction for listed species that the states and the U.S. Secretary of Interior share. The act can be effectively implemented only through a full partnership between the states and the federal government. A federal-state collaborative rulemaking process should be established to determine the standards and guidelines for state participation in or assumption of authority for decisions under the act, while recognizing that

- The public has a right to know whether it will be affected by the implementation of ESA. "For this reason, positive and negative economic impacts must be assessed and considered in order to minimize adverse impacts during the preparation of recovery plans."

- Congressional intent to distinguish between endangered species and threatened species has been almost entirely eroded. Congress must reassert the distinction as originally intended. When a species is classified as threatened, regulatory restrictions appropriate to endangered species must give way to greater deference to states, greater program flexibility, and a broader range of permissible actions in developing a creative conservation program.

- Although fully half of endangered and threatened species are found on nonfederal land, "there are few incentives for private landowners and state and local governments to undertake conservation measures before a crisis exists. The reauthorized act must provide incentives for state and local governments, private landowners, and private organizations to assist in species habitat and species conservation and with recovery efforts and

habitat preservation. The governors also endorse efforts to expand nonregulatory, incentive-based, and commercial conservation efforts."

- The governors should respect citizens' private property rights in the implementation of the Endangered Species Act.

Henry Miller, a senior fellow at the Hoover Institution, said ESA changes are necessary to preserve the intent of the act and stop its manipulation by activist groups with ulterior motives. Said Miller, "Since the Endangered Species Act was passed in 1973, most Americans have come to identify themselves as environmentalists.

"Unfortunately," he continued, "over the years a small faction of the movement has drifted farther and farther away from the original goals of environmentalism. These pseudo-environmentalists now pursue an agenda that has less to do with conserving resources, reducing pollution, and protecting wildlife than with attacking business and opposing certain products and technologies."

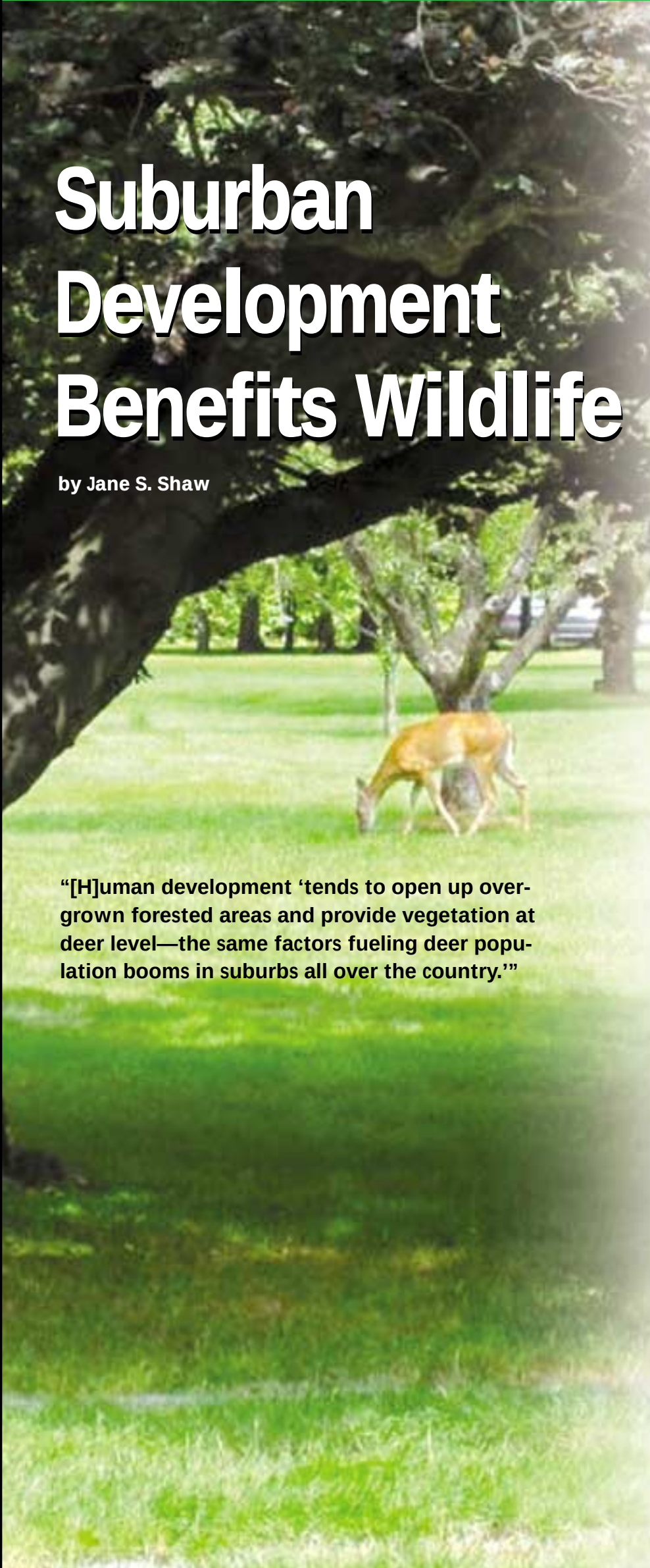
"What the Endangered Species Act (ESA) does is transfer ownership or control of private property over to the government," said columnist Alan Caruba. Caruba cites research showing that "in 25 years, ESA has 'saved' few, if any, creatures at all, but has nevertheless grandly succeeded in placing under temporary or quasi-permanent government control some 25 million acres. This is the land-area equivalent of Massachusetts, Vermont, New Hampshire, and Connecticut combined."

Added Caruba, "Millions of dollars that could have otherwise improved the lives of Americans have been diverted to the bizarre notion that species can be 'saved' by government intervention. Billions in tax revenues have been lost because development of every description was stopped because of the ESA."

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INTERNET INFO

"Tapping State Leadership to Manage Endangered Species," an Issue Brief released in February 2004 by the National Governors Association's Center for Best Practices, is available through PolicyBot™. Point your Web browser to <http://www.heartland.org>, click on the PolicyBot™ button, and search for document #14823.



Suburban Development Benefits Wildlife

by Jane S. Shaw

“[H]uman development ‘tends to open up overgrown forested areas and provide vegetation at deer level—the same factors fueling deer population booms in suburbs all over the country.’”

A decade ago, who would have thought New Jersey would host a black bear hunt—the first in 33 years? Or that Virginia, whose population of bald eagles was once down to 32 breeding pairs, would have 329 known active bald eagle nests? Who would have expected *Metropolitan Home* magazine to be advising its readers about ornamental grasses to keep away white-tailed deer, now found in the millions around the country?

Such incidents illustrate a transformed America. This nation, often condemned for being crowded, paved over, and studded with nature-strangling shopping malls, is proving to be a haven for wild animals.

One interpretation of these events is that people are moving closer to wilderness and invading the territory of wild animals. But that is only a small part of the story. Wild animals increasingly find suburban life in the United States to be attractive.

The proliferation of wildlife should assure Americans that the claim that urban sprawl is wiping out wildlife is simply poppycock. Human settlement in the early twenty-first century may be sprawling and suburban—about half the people in this country live in suburbs—but it is more compatible with wildlife than most people think.

Why So Many Wild Animals?

Two phenomena are fueling this increase in wild animals. One is natural reforestation, especially in the eastern United States. This is largely a result of the steady decline in farming, including cotton farming, a decline that allows forests to retake territory they lost centuries ago. The other is suburbanization, the expansion of low-density development outside cities, which provides a variety of landscapes and vegetation that attracts animals. Both trends undermine the claim that wild open spaces are being strangled and habitat for wild animals is shrinking.

The trend toward regrowth of forests has been well-documented. The percent of forested land in New Hampshire increased from 50 percent in the 1880s to 86 percent 100 years later. Forested land in Connecticut, Massachusetts, and Rhode Island increased from 35 percent to 59 percent over that same period. “The same story has been repeated in other places in the East, the South, and the Lake States,” writes forestry expert Roger Sedjo.

Environmentalist Bill McKibben exulted in this “unintentional and mostly unnoticed renewal of the rural and mountainous East” in a 1995 article in the *Atlantic Monthly*. Calling the change “the great environmental story of the United States, and in some ways of the whole world,” he added, “Here, where ‘suburb’ and ‘megalopolis’ were added to the world’s vocabulary, an explosion

of green is under way.” Along with the reforestation come the animals; McKibben cites a moose “ten miles from Boston,” as well as an eastern United States full of black bears, deer, alligators, and perhaps even mountain lions.

This re-greening of the eastern United States explains why some large wild animals are thriving, but much of the wildlife Americans are seeing today is a direct result of the suburbs. Clearly, suburban habitat is not sterile.

Habitat for Wildlife

When people move onto what once was rural land, they modify the landscape. Yes, they build more streets, more parking lots, and more buildings. Wetlands may be drained, hayfields may disappear, trees may be cut down, and pets may proliferate. At the same time, however, the new residents will create habitat for wildlife. They will create ponds, establish gardens, plant trees, and set up bird nesting-boxes. Ornamental nurseries and truck farms may replace cropland, and parks may replace hedgerows.

This new ecology is different, but it is often friendly to animals, especially those University of Florida biologist Larry Harris calls “meso-mammals,” or mammals of medium size. They do not need broad territory for roaming to find food, as moose and grizzly bears do. They can find places in the suburbs to feed, nest, and thrive, especially where gardens flourish.

One example of the positive impact of growth is the rebound of the endangered Key deer, a small white-tailed deer found only in Florida and named for the Florida Keys. According to *Audubon* magazine, the Key deer is experiencing a “remarkable recovery.” The news report continues: “Paradoxically, part of the reason for the deer’s comeback may lie in the increasing development of the area.” Paraphrasing the remarks of a university researcher, the reporter says human development “tends to open up overgrown forested areas and provide vegetation at deer level—the same factors fueling deer population booms in suburbs all over the country.”

Indeed, white-tailed deer of normal size are the most prominent species proliferating in the suburbs. In the *New York Times*, reporter Andrew C. Revkin has commented that “suburbanization created a browser’s paradise: a vast patchwork of well-watered, fertilizer-fattened plantings to feed on and vest-pocket forests to hide in, with hunters banished to more distant woods.”

The increase in the number of deer in the United States is so great that many people, especially wildlife professionals, are trying to figure out what to do about them. In 1997, the Wildlife Society, a professional association of wildlife biologists, devoted a special 600-page issue of its *Bulletin* to “deer overabundance.” Today’s deer population in

the United States may be as high as 25 million, says Richard Nelson, writing in *Sports Afield*.

James Dunn, a geologist who has studied wildlife in New York State, believes suburban habitat fosters deer more than forests do. Dunn cites statistics on the harvest of buck deer reported by the New York State government. Since 1970 the deer population has multiplied 7.1 times in suburban areas (an increase of 610 percent), but only 3.4 times (an increase of 240 percent) in the state overall.

Dunn explains the forests have been allowed to regrow without logging or burning, so they lack the "edge" that allows sunlight in and encourages vegetation suitable for deer. In his view, that explains why counties with big cities (and therefore with suburbs) have seen a greater increase in deer populations than have the isolated, forested rural counties.

Supporting that point, Andrew Revkin quotes a wildlife biologist at the National Zoo in Washington, DC. "Deer are an edge species," he says, "and the world is one big edge now."

Deer are not the only wild animals that turn up on lawns and doorsteps, however. James Dunn lists species in the Albany, New York, suburbs in addition to deer: birds such as robins, woodpeckers, chickadees, grouse, finches, hawks, crows, and nuthatches, as well as squirrels, chipmunks, opossums, raccoons, foxes, and rabbits. Deer attract coyotes too. According to a 1999 article in *Audubon*, biologists estimate the coyote population (observed in all states except Hawaii) is about double what it was in 1850.

Joel Garreau, author of *Edge City*, includes black bears, red-tailed hawks, peregrine falcons, and beaver on his list of animals that find suburban niches. Garreau still considers these "edge city" towns a "far less diverse ecology than what was there before." However, he writes, "if you measure it by the standard of city, it is a far more diverse ecology than anything humans have built in centuries, if not millennia."

For one reason or another, some environmental activists tend to dismiss the resurgence of deer and other wildlife. In an article criticizing suburban sprawl, Carl Pope, executive director of the Sierra Club, says the suburbs are "very good for the most adaptable and common creatures—raccoons, deer, sparrows, starlings, and sea gulls" but "devastating for wildlife that is more dependent upon privacy, seclusion, and protection from such predators as dogs and cats."

Yet the suburbs attract animals larger than meso-mammals, and suburban habitats may be richer than what they replace. In many regions, suburban growth comes at the expense of agricultural land that was cultivated for decades, even centuries. Cropland doesn't necessarily provide abundant habitat.

Environmental essayist Donald Worster, for example, has little favorable to say about land cultivated for

"The greening of the suburbs is no substitute for big stretches of land—both public and private—that allow large mammals such as grizzly bears, elk, antelope, and caribou to roam. The point of this essay is that the suburbs offer an environment that is appealing to many wild animal species."

crops or used for livestock grazing. In Worster's view, there was a time when agriculture was diversified, with small patches of different crops and a variety of animals affecting the landscape. Not now. "[T]he trend over the past two hundred years or so," he writes, "has been toward the establishment of monocultures on every continent." By contrast, suburbs are not monocultures.

Even large animals can be found at the edges of metropolitan areas. An article in a Montana newspaper, also citing Paul Beier's research, reported mountain lion encounters are increasing around the country. The article noted that according to "conventional wisdom," the encounters occur because more people are moving into the lions' habitat. But, the author says, the reverse is also true. Lions "are spending more time in what has long been considered human habitat, our cities and towns and subdivisions."

Even in the East, mountain lions may be returning. Bill McKibben reported in 1995 that the Eastern Puma Research Network had been told of 1,800 puma (a mountain lion) sightings during the previous 10 years. The National Wildlife Federation, moreover, reports a resurgence of cougars (another type of mountain lion) in California.

Although black bears are smaller than the relatively rare and dangerous grizzlies, they can be sizable, and they appear to be moving into urban areas too. *New York Times* reporter Robert Hanley noted that a 175-pound black bear was discovered in "the heart of the business district" of West Haven, Connecticut. "The world of wildlife is far different from what it was a generation ago," Hanley noted, "as more housing eats into once distant wilderness. All sorts of species no longer stay secluded in deep woods." He specifically cited "moose on the developing outer fringes of suburbia; coyotes, fox, deer and the ubiquitous Canada geese in older suburban towns; bears and turkeys in cities."

Elk have been infiltrating subdivisions in Jefferson County, Colorado. According to the *Rocky Mountain News*, state wildlife officials estimate that 2,500 elk live in the area between Denver and the Continental Divide. "The increase has occurred entirely in residential subdivisions such as Evergreen Meadows, not in the area's vast expanses of national forests, according to state wildlife biologist Janet George."

Wild Backyards

A few environmental groups acknowledge the richness, or potential richness,

of the suburban environment. A project of the National Wildlife Federation is called "Backyard Wildlife Habitat." It certifies families' backyards that have been planned to attract wildlife.

Through its Web site, the National Wildlife Federation advises amateur naturalists on how to develop wildlife-friendly yards. Habitat builders are led through the basics of improving their backyards. In "Learn How to Build a Simple Pond," Doug Inkley, a senior scientist for the Federation, describes how to design a pond to include fish and frogs.

In a similar vein, Keeping Track is a Vermont organization that teaches volunteers how to monitor signs of wildlife. A Keeping Track group in New Hampshire documented the presence of bobcats at one site. Their records led to a decision to relocate a proposed electric utility transfer station and to defeat plans for a snowmobile trail. Bobcats? In suburbia? No, but close to it. The group was the Piscataquog Watershed Association based in Weare, New Hampshire, a town in the growing southern part of the state.

Apparent Compatibility

What Americans are seeing is an apparent compatibility—albeit perhaps an uneasy one—of animals and humans in growing metropolitan areas. Suburbs have grown in large measure because people have the wealth and the mobility to move into less-dense environments. Economic studies show that as income rises, people show greater interest in protecting their environment. Although they may shop in malls and drive on highways, they like open space, gardens, and groves of trees—landscapes also likely to attract and nurture wild animals.

Some entrepreneurs, responding to this interest in nature, are making deliberate efforts to maintain the natural environment when they develop home sites. In the West, entrepreneurs are integrating homes with habitat for wildlife, including large animals such as elk and bears.

Lee Poole and Joe Vujovich, for example, have been developing Moonlight Basin, a mountainside community that combines homes with easy access to ski lifts and wildlife habitat near Big Sky, Montana. William Ogden is doing something similar on a smaller scale in the nearby Eagle Rock Reserve. Other "eco-developments" include Farmview in Pennsylvania and Wildcat Ranch near Aspen, Colorado. There are even "eco-sensitive" golf courses. An international certification program evaluates golf courses on the basis of their preservation of

natural habitat, their conservation of water, and other environmental features.

Others combine nature and residences by restoring native plants. Ron Bowen, president of Prairie Restorations, Inc., is a pioneer in this endeavor. Based in Minnesota, Bowen raises plants like wild rye and thimbleweed, vegetation native to the prairies and savannahs of the Midwest. Until recently, residents routinely seeded their lawns with imported vegetation such as Kentucky blue grass; but some years ago, Bowen dreamed of designing landscapes that resemble the traditional fields of southern Minnesota. Today, his restorations can be found on the lawns of corporate headquarters and private homeowners.

Sharing Our Turf

The fact that wildlife finds a home in suburban settings does not mean all wildlife will do so. The greening of the suburbs is no substitute for big stretches of land—both public and private—that allow large mammals such as grizzly bears, elk, antelope, and caribou to roam. The point of this essay is that the suburbs offer an environment that is appealing to many wild animal species.

If the United States continues to prosper, the twenty-first century is likely to be an environmental century.

Affluent people will seek to maintain or, in some cases, restore an environment that is attractive to wildlife, and more parks will likely be nestled within suburban developments, along with gardens, arboreta, and environmentally compatible golf courses.

As wildlife proliferates, Americans will learn to live harmoniously with more birds and meso-mammals. New organizations and entrepreneurs will help integrate nature into the human landscape. There is no reason to be pessimistic about the ability of wildlife to survive and thrive in the suburbs.

Jane S. Shaw is a senior associate of PERC, the Property and Environment Research Center, in Bozeman, Montana. Her email address is perc@perc.org. She is coeditor with Ronald D. Utt of A Guide to Smart Growth: Shattering Myths and Providing Solutions (Heritage Foundation and PERC). This essay is adapted from Chapter 3 in that volume, and from a paper published in a Heritage Backgrounder.

INTERNET INFO

Jane S. Shaw's *Heritage Backgrounder*, "Nature in the Suburbs," was released on February 18, 2004 and is available on the Web site of The Heritage Foundation at <http://www.heritage.org/Research/SmartGrowth/BG1724.cfm>.

Connecticut

Continued from page 1

High Price to Pay

A study conducted by Charles River Associates for the American Legislative Exchange Council (ALEC) concludes a "conservative estimate is that costs per Connecticut household of meeting these caps would be between \$700 and \$1,300 per year over the next three decades, accompanied by the loss of about 20,000 jobs. Connecticut's state product would be reduced by about 1.3 percent from baseline levels by 2020, and these losses would either remain stable or grow ...

"The state's budget problems would be worsened," the report continued, "with lower wages and incomes leading to a loss in tax collections of about \$250 million per year by 2010. Moreover, the bill would directly impose costs on the state to set up the trading system, and would raise energy costs for state and local governments."

Lewis Andrews of the Yankee Institute in Connecticut reports SB 595 could cost Connecticut as much as \$8.1 billion. According to Andrews, "Connecticut, facing record budget deficits due to lower-than-expected revenues in 2002 and 2003, should not adopt an overly ambitious greenhouse gas reduction program that costs taxpayer dollars, destroys jobs, and does nothing to protect the environment."

"Sons of Kyoto"

Sandy Liddy Bourne, director of ALEC's

Environment, Natural Resources, and Agriculture Task Force, noted several states are advancing so-called "Sons-of-Kyoto" legislation to eliminate affordable fossil fuels—such as coal, petroleum, and natural gas—from the nation's energy mix.

ALEC's *Energy, Environment, and Economics Guidebook for State Legislators* documents nearly 100 bills introduced in the 2003 legislative session that explicitly seek to regulate carbon dioxide; many additional measures attempt to label car-

bon dioxide as a pollutant. Taxpayer subsidies of alternative energy and renewable fuels are also multiplying in the states as back-door approaches to eliminating carbon-based fuels.

"Carbon dioxide, the inescapable by-product of burning fossil fuels, is beneficial to plant and human life alike. The effort to regulate it as a greenhouse gas is an attempt to tax energy."

SANDY LIDDY BOURNE



bon dioxide as a pollutant. Taxpayer subsidies of alternative energy and renewable fuels are also multiplying in the states as back-door approaches to eliminating carbon-based fuels.

According to the Energy Information Agency (EIA), fossil fuels supply 70 percent of the U.S.'s electricity and 84 percent of the country's total energy usage. According to Bourne, the cost of reducing carbon emissions 7 percent below 1990 levels, as required by the Kyoto Protocol, would range from \$130 billion to \$400 billion annually.

For the average American, electricity costs would increase by as much as 86

percent under the Kyoto Protocol; gasoline prices could rise 66 cents per gallon; fuel oil prices would rise by as much as 76 percent; and natural gas prices would skyrocket by as much as 147 percent above current prices.

According to a study released in 2003 by The Heartland Institute, if Connecticut enacts legislation similar to the Kyoto Protocol, the average Connecticut household will pay more than \$6,200 per year in higher-priced goods and services and lost income. The state government could lose more than \$2 billion in tax revenue each year.

Importantly, the Nutmeg State's economic suffering will have no measurable impact on climate. Computer models project worldwide implementation of the Kyoto Protocol would reduce global temperatures over the next century by just 0.13° Celsius. By going it alone, Connecticut will carry the full economic burden of Kyoto while affecting global temperatures in a way far too small to measure.

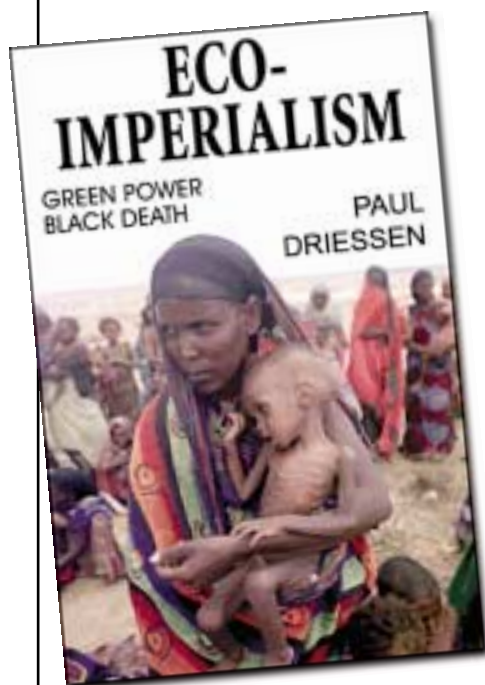
James M. Taylor is managing editor of Environment & Climate News. His email address is taylor@heartland.org.

INTERNET INFO

A summary and map of greenhouse gas action in the states can be found on the American Legislative Exchange Council's Web site at <http://www.ALEC.org>.

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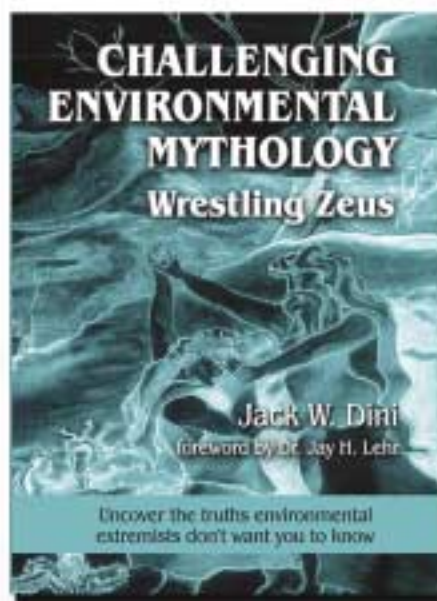
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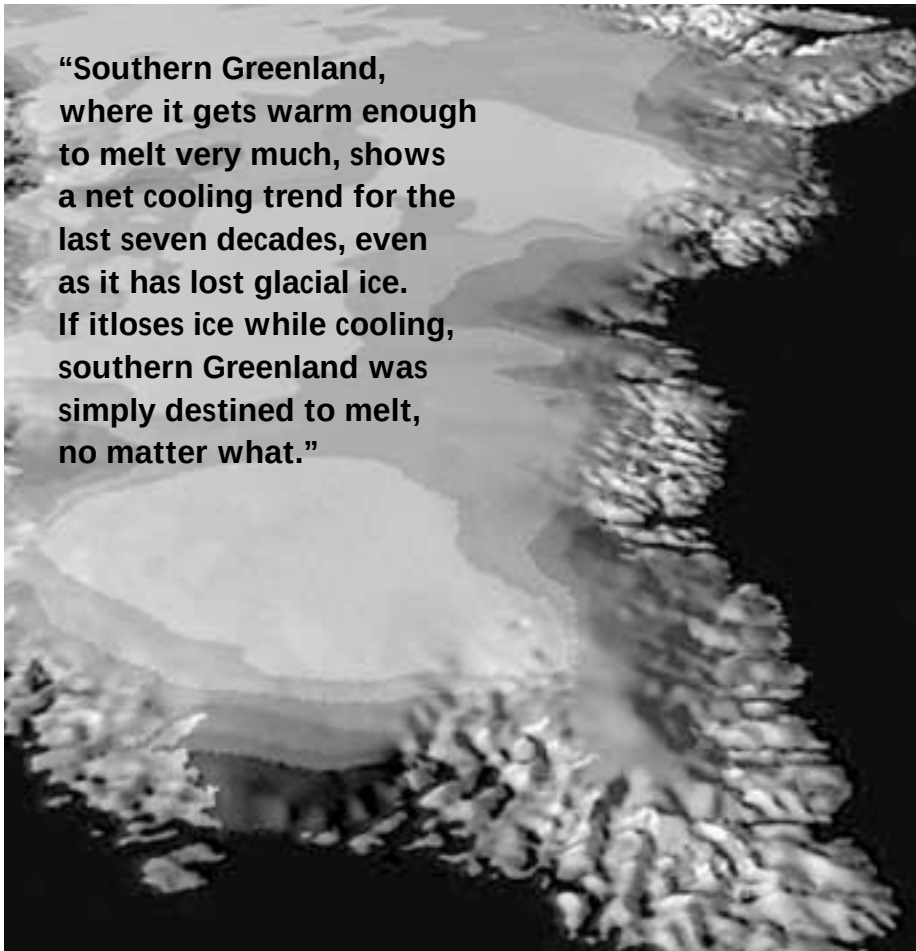
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GLOBAL WARMING

Latest Global Warming Claims Flawed, Inflated

"Southern Greenland, where it gets warm enough to melt very much, shows a net cooling trend for the last seven decades, even as it has lost glacial ice. If it loses ice while cooling, southern Greenland was simply destined to melt, no matter what."



by Patrick J. Michaels

The release of five gloom-and-doom articles on global warming and climate change, timed just as the Democratic Party was settling on a nominee, was no accident. Nor was it surprising that those articles should contain major flaws, inflated claims, and sweeping generalizations.

But what remains unanswered is how this stuff continues to make it through the scientific review process and editorial boards of major newspapers and magazines.

Testing Hypotheses

Every scientific article on global warming can be considered a hypothesis, and therefore a proposition that can be tested.

Start with Paul Epstein's January 28 piece in the *New York Times*. Epstein, from Harvard's Center for Health and the Global Environment, blamed the East Coast's somewhat cold winter on global warming, writing, "New Yorkers may be able to blame the city's current cold spell ... on global warming." That is based upon his theory that melting of Greenland's ice is cooling the U.S. Northeast.

That is a testable hypothesis. Check the long climate history of New York's Central Park for any significant January cooling. There isn't any. Nor is there any warming. A mere two years ago, in a warm winter, the same *Times* quoted the same Harvard Center (this time it was Eric Chivian, the director), on March 10, 2002, claiming the warmth of the Big Apple's winter was caused by global warming.

On a related front, the February 9 issue of *Fortune* magazine claimed a new ice age is imminent, at least for the U.S. and Europe, within the next 18 years, again caused by the melting of Greenland from global warming.

Another testable hypothesis. Southern Greenland, where it gets warm enough to melt very much, shows a net cooling trend for the last seven decades, even as it has lost glacial ice. If it loses ice while cooling, southern Greenland was simply destined to melt, no matter what. That's because Greenland itself is a huge relic of the last ice age, a frozen mass stuck way too far south by global standards. (Central Greenland shows a buildup of ice, and the island as a whole is neutral with respect to its ice balance in recent decades.)

On February 9, National Geographic Online claimed European Neanderthals were wiped out by the ice age some 60,000 years ago. Apparently they couldn't adapt to a changing landscape that made hunting more difficult. Obviously, National Geographic managed to miss the other side

of the coin: The human competition to Neanderthals —i.e., *us*—was clever enough to adapt to climate change.

Model Adjustment Needed

On February 10, a press release from the U.S. Department of Energy's Pacific Northwest Laboratory predicted "global warming will diminish the amount of water stored as snow in the Western United States by 70 percent" by 2050. According to L. Ruby Lueng, who directed the research, "This is a best-case scenario."

Actually, the prediction is based upon something that has been dead wrong for decades.

Lueng's climate model increases carbon dioxide—the main cause of warming—by 1 percent a year, which brings the concentration in the atmosphere to 65 percent above today's level by 2050. But that rate of increase stopped nearly a third of a century ago, as more energy-efficient technologies came online and as affluence reduced birthrates over much of the world. The actual increase has fluctuated between being a constant rate and a 0.4 percent increase. Both reduce the increase to 2050 by a whopping two-thirds, and warming must be adjusted down a similar amount.

Several prominent scientists have adjusted their projections of warming downward to accommodate this reality that now spans an entire generation. It is stunning that our most prestigious government laboratories are literally one-third of a century behind the times when it comes to global warming.

Another reason atmospheric carbon dioxide growth has slowed is because the planet is becoming greener, in response to longer growing seasons and slightly warmer temperatures. February's print version of *National Geographic* took this good news and somehow turned it into gloom and doom.

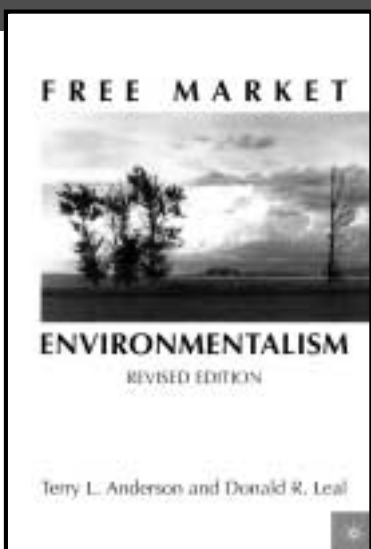
Page 126 of the issue offers the "Final Edit" section. It shows a peaceful tableau of the cycle of carbon dioxide through the atmosphere and the biosphere with a picture of seashells, the ocean, and a shorebird, by photographer Peter Essick. According to *Geographic*, "Peter's dreamy picture of an egret wading on shell-laden rocks on Florida's Sanibel Island seemed to fit the story's mood."

Obviously, that wasn't alarming enough. So they changed the picture. "At the last moment, she [editor Elaine Bradley] and photo editor Dennis Dimick chose a new tack to 'ramp up the energy of the story,' says Dennis. They changed the opening picture to one of a blazing fire ... launching the story with speed and drama."

National Geographic is apparently proud to be hyping climate change. We're in the midst of the biggest publicity splash ever on global warming, which may have something to do with the fact that it's an election year.

Patrick J. Michaels is senior fellow in environmental studies at the Cato Institute and author of *The Satanic Gases*. His email address is pmichaels@cato.org.

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Requiem FOR THE Kyoto Protocol

How the global warming treaty fell victim to science and economics



by S. Fred Singer

It may not be a household word, but by now the Kyoto Protocol has become a well-known political slogan. President George W. Bush has called it “fundamentally flawed,” while some environmentalists in America and Europe have said it is essential for saving the Earth’s climate and the future of humanity itself.

The Kyoto Protocol is a treaty intended to ration the use of energy to address the concerns of those who believe we face a global warming catastrophe. These worriers include not only environmental groups and anti-capitalist radicals, but also a surprising number of mainstream technocrats throughout the West.

But the facts have always made it clear Kyoto would be outrageously costly and completely ineffective as designed, and it would not noticeably influence the climate. More importantly, in light of recent developments, the treaty is essentially defunct. Now may be the ideal moment to reexamine the origins and shortcomings of the Kyoto Protocol, and to learn its lessons before future global warming treaties repeat its mistakes.

A Treaty on Shaky Ground

The Kyoto Protocol, adopted in 1997, insists on lowering global greenhouse gas emissions in the hope of reaching stabilization at some level, preferably one that is not too high. The basic requirement of the protocol is that industrialized nations (and only industrialized nations) reduce emissions of greenhouse gases to a level 5 percent below emissions in 1990 by the period 2008-2012.

But this requirement does nothing to stabilize the atmospheric concentration of greenhouse gases. At best, Kyoto would merely slow somewhat the rate of rise, which by the year 2020 will be largely determined by emissions from major devel-

oping countries like China, India, Brazil, and Mexico—none of which is covered by the accord.

The protocol’s main emphasis is on carbon dioxide produced by burning fossil fuels. By contrast, the powerful greenhouse gas methane is barely mentioned—perhaps because its main sources, while human-related, are “natural”: rice agriculture and cattle-raising. The protocol does not mention other factors that affect the climate, such as sulfate aerosols from coal-fired power plants, soot from diesel engines, and smoke from the burning of biomass (mostly in developing countries).

The Kyoto Protocol, therefore, would have practically no impact on global temperatures. Even if scrupulously adhered to, it would reduce the calculated temperature rise by 0.05 degrees Celsius at most—an amount so insignificant it can hardly be measured.

When confronted with that little-publicized fact, supporters of the protocol admit Kyoto is intended only as a first step, and that greenhouse gases will someday have to be further reduced by between 60 and 80 percent of 1990 emission levels. This fact, too, has not been much publicized by Kyoto’s supporters, and with good reason: Such drastic reductions would cripple the global economy.

Questionable Science

To understand the flaws of the Kyoto Protocol, it is necessary to look first at the climate science that allegedly provides a rationale for its provisions.

The groundwork for Kyoto was laid by a series of studies conducted by a United Nations-appointed group, the Intergovernmental Panel on Climate Change (IPCC). Its first report was issued in 1990 and suggested that if the concentration of greenhouse gases were to double, a global warming of between 1.5 and 4.5 degrees Celsius would follow. Those numbers were based on crude climate models whose validity had never been tested by observations—and even today, there remains no validation for the climate models that are at the heart of most claims of climate catastrophe.

The IPCC maintained, however, that the model results were “broadly consistent” with observations. This claim referred to a warming trend that had begun in the late nineteenth century and continued until

about 1940. That trend actually had little to do with greenhouse effects but seems to have been simply a natural fluctuation of the climate, a recovery from the preceding “Little Ice Age.”

Driving this point home, the global climate cooled after 1940 until about 1975—in spite of the copious emission of carbon dioxide and other greenhouse gases in the industrial boom years after World War II. By the 1970s, the persistent cooling trend had become a hot topic, so to speak. Magazines and books fretted about a coming Ice Age, and the federal government supported studies that calculated the economic disasters expected from a colder climate.

That cooling presented an embarrassment for climate models that could explain only greenhouse warming. In response, the IPCC added a cooling factor to its models of

“Now may be the ideal moment to reexamine the origins and shortcomings of the Kyoto Protocol, and to learn its lessons before future global warming treaties repeat its mistakes.”

the atmosphere, consisting of tiny aerosol particles produced by the emission of sulfur dioxide from electric power plants. The second IPCC report, published in 1995, invoked the “sulfate-aerosol effect” and produced the memorable but essentially meaningless phrase that “the balance of evidence suggests a discernible human influence on global climate.”

The sulfate aerosol “fix” proved to be in conflict with real-life observations, so it was swept under the rug in the third IPCC report, issued in 2001. It turns out these supposedly cooling aerosols are produced mainly in the northern hemisphere, where industrial activity is highest. Therefore, if the models are correct, the northern hemisphere would presumably warm more slowly than the southern hemisphere—that is, the sulfates would shield the northern hemisphere from more sunlight, reduce incoming energy, and thereby offset part

of the calculated greenhouse warming. But observations show exactly the opposite. The highest rate of warming in the past 25 years has occurred at northern mid-latitudes.

An even more serious embarrassment to the IPCC claim is the fact that the global atmosphere has not warmed appreciably in the last quarter-century. The IPCC climate models very specifically call for the atmosphere to warm faster than the surface as a result of the greenhouse effect. The warming rate is supposed to increase with the altitude up to about five miles. But data from weather satellites and weather balloons show no significant rise in the global mean temperature of the atmosphere, in stark contradiction to the climate models.

Despite the paucity of proof for past climate claims, the third IPCC report said “new evidence” makes it likely “most of the warming observed over the last 50 years” comes from the human production of greenhouse gases. This “new evidence” is based on a single analysis of “proxy” data (that is, data that do not come from thermometers but rather from sources like tree rings, ice cores, corals, and ocean and lake sediments) showing the twentieth century to be the warmest in the past thousand years. Not only does this analysis conflict with other published analyses of proxy data, but it was also exploded in a re-analysis published in 2003, which showed the IPCC claim was the result of a gross mishandling of the underlying data. If the dispute is settled in favor of the re-analysis—as seems likely—the IPCC claim of a “human influence on global climate” will be severely damaged.

The response of global warming theorists to these contrary findings has been twofold: One strategy has been to attack and attempt to discredit both the satellite data and the re-analysis of the proxy data; the other has been simply to ignore any contrary evidence. They make repeated references to the “warming of the past 25 years” but never mention the total lack of warming evidenced in both satellite and balloon observations.

To ensure the disparities do not get publicized, environmental lobbying groups (and their allies in politics and the media) generally refer to the science as “settled.” They refer to the “scientific consensus” of the 2,000 or so scientists connected to the IPCC,

even though probably no more than 100 of those are true climate specialists; many are actually social scientists and government functionaries, and the list includes some skeptics of global warming who have expressed doubts about the IPCC's conclusions.

Dead on Arrival

Even before the protocol was adopted, it became clear it would include strict targets and tight timetables for reducing emissions in the industrialized world, with pernicious economic consequences for the United States.

In response, the Senate preemptively and unanimously passed the Byrd-Hagel Resolution in June 1997, which expressed the body's opposition to any attempt to impose strictures that would exempt developing nations and "result in serious harm to the economy of the United States." (The United States would have had to reduce greenhouse gases to a level 7 percent lower than they were in 1990—which by 2012 would amount to a cut of roughly 40 percent.)

And so, even though the Kyoto Protocol was adopted in December 1997 and the Clinton administration signed onto it in 1998, the White House never submitted it to the Senate for ratification, knowing it would be dead on arrival.

Even without American accession to the protocol, Kyoto-related meetings continued: in Buenos Aires in 1998, in Bonn in 1999, and finally, in The Hague in 2000. These annual two-week conferences came to involve some 180 national delegations, with many smaller committee meetings in between.

In addition to those delegations, a permanent bureaucracy had been established, headquartered in Bonn, with offices also in Geneva and Nairobi, where the U.N. Environmental Program (UNEP) is located. Counting all of the scientists, economists, and policy experts who contributed to the IPCC reports, the effort now employs thousands of people, mostly in the U.S. and Europe.

By the summer of 2000, almost all the European countries had ratified the protocol, but the United States, Russia, Japan, Australia, and a number of Eastern European nations had not. Since the protocol could not go into effect until 55 percent of all industrial nations contributing at least 55 percent of emissions had ratified it, there was great pressure on the United States to do so. All this came to a head in The Hague in November 2000.

The U.S. delegation, handpicked by the Clinton-Gore White House, wanted very much to achieve a compromise with the Europeans that might make ratification by the Senate possible. The compromise would involve "emission trading" among nations that faced different costs of compliance, as a means of lowering the overall cost. The EU opposed it, although Europe had granted to itself the option of emission trading among European nations.

This so-called European "bubble" allowed the EU to set specific reduction quotas for each country. Some European countries were even permitted to raise their emissions over the 1990 levels, since they were

still in a developing stage. Others, like Germany and Britain, took it upon themselves to take larger cuts, up to 25 percent.

While this sounds like a very large reduction in emissions, it must be recognized that the choice of 1990 as the base year made it relatively easy for Germany and Britain to meet these targets. Germany had just completed its reunification and was shutting down the former East Germany's highly inefficient industries. Britain had started to substitute North Sea natural gas for coal in its power plants, which drastically reduced the country's carbon dioxide emissions.

The sessions in The Hague were highly dramatic, and the conference had to be adjourned without an agreement. Had Europe compromised and permitted emission trading, as requested by the U.S., an agreement might have been possible. But western European nations, especially France, wanted to see the U.S. make painful cuts in its use of energy rather than permit the purchase of unused emission permits from Russia.

Meetings in Morocco in 2001 finally resulted in an emission-trading compromise that persuaded Japan to ratify the Kyoto Protocol. The compromise also seemed at first to appease Russia. In September 2003, however, Moscow decided the protocol was "scientifically flawed," and that Russia would likely not ratify it.

Kyoto Is Dead, Long Live Kyoto

For a short while, there was talk among the Europeans that they might simply pursue Kyoto unilaterally—even without the United States and Russia. They are still stewing over it, with some public dis-

"Even if scrupulously adhered to, [the Kyoto Protocol] would reduce the calculated temperature rise by 0.05 degrees Celsius at most—an amount so insignificant it can hardly be measured."

agreement between the EU commissioners for energy and for the environment.

There were similar calls in Washington to institute a Kyoto-like regime unilaterally. In the U.S. Senate, John McCain (R-Arizona) and Joe Lieberman (D-Connecticut) introduced a bill to do just that: a unilateral reduction of carbon dioxide emissions over time, albeit with the possibility of emission trading and credits for carbon dioxide "sinks," like planting trees. The "McLieberman bill" (as it came to be called) failed to pass in November 2003, with senators voting mainly along party lines.

What, then, is the future of the Kyoto Protocol itself? Without Russian participation, it is unlikely the 55 percent threshold can be reached. The Kyoto Protocol, it seems, is dead.

But the concept of Kyoto may not yet be dead. Over the past 12 years, an impressive

set of stakeholders has been built up: international bureaucrats and national bureaucracies; industries that build, sell, and operate wind energy and solar energy technologies; and a multitude of non-governmental organizations that make their living from climate scares.

It remains possible that a "son of Kyoto" treaty will someday follow in the footsteps of the now-defunct protocol. It would probably sound tougher than the original, perhaps requiring a 25 percent reduction with respect to 1990 emission levels, rather than 5 percent. But instead of carrying a target date of 2008-2012, the next-generation Kyoto might hold off until perhaps 2040-2050—well beyond the terms of office of current politicians. While the new Kyoto would at least pay lip service to the obligations of developing nations, it would probably not require them to reduce emissions.

Rational Environmentalism

The first and most important step toward a more sober environmental policy has to involve the underlying science. The assumptions of the global warming models must be publicly, repeatedly, and systematically critiqued, and when they do not stand up to scrutiny, these assumptions and policies must be rejected by the United States government outright.

The second step will need to be based in economics. Economists must offer convincing demonstrations of what is already

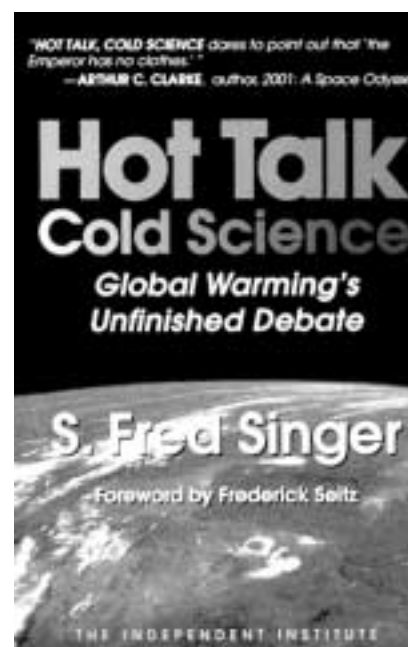
apparent from the data: that modest warming correlates with increased GNP, higher average income, and enhanced living standards across the globe; and that carbon dioxide, rather than being a pollutant, benefits the growth of agricultural crops and forests. Economists must also demonstrate that control of carbon dioxide imposes huge economic penalties, particularly on lower-income groups. This is a matter of making the facts known.

Some years from now a future generation, having survived real threats—like international terrorism or weapons of mass destruction—may look back on this episode in human history as a passing aberration that gripped much of the Western world.

By then, fossil fuels may be mostly depleted, the cost of energy may be held in bounds only through massive investments in nuclear power or yet unforeseen technologies, and the chief worry may be that of a coming ice age still looming as our mild interglacial period draws to a close.

S. Fred Singer is professor emeritus of environmental sciences at the University of Virginia and president of the Science & Environmental Policy Project based in Arlington, Virginia. His most recent book is Hot Talk, Cold Science: Global Warming's Unfinished Debate (Independent Institute, Oakland, California). A longer version of this article appeared in the Winter 2004 issue of The New Atlantis.

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GLOBAL WARMING

Global Warming Fears Melting

New studies appearing in respected scientific journals suggest time is running out for the biggest eco-scare of the twentieth century

by James M. Taylor

New data from the National Aeronautics and Space Administration (NASA) and studies appearing in two respected scientific journals raise serious questions about the science underlying alarmist predictions of global warming.

NASA: Predictions "Exaggerated"

In the March 13 *Journal of Climate*, Ken Minschwaner of the New Mexico Institute of Mining and Technology and Andrew Dessler of the University of Maryland reported on atmospheric research they conducted for NASA. Discussing the importance of water vapor assumptions in climate models, they noted, "In most global climate models, an initial warming caused by additional CO₂ and other greenhouse gases leads to enhanced evaporation at the surface and a general moistening of the atmosphere. Since water vapor is a strong infrared absorber, the added moisture causes further warming. The amplifying effect can be quite large, increasing the global average warming by 70%-90% compared to calculations that maintain a fixed water vapor."

According to the new NASA data, water evaporation has not increased nearly as much as alarmists have predicted and have factored into their computer models.

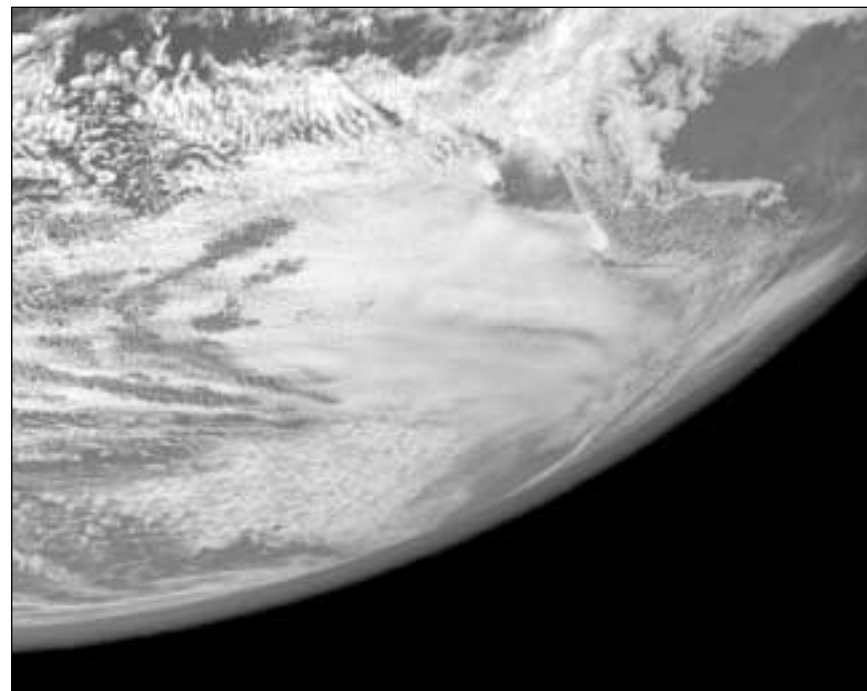
As a result, according to the March 18 *New York Times*, "Dr. Minschwaner said the new research raised questions about the high end" of temperature predictions from the Intergovernmental Panel on Climate Change, which estimates the Earth's climate could warm 2.5 to 10° Fahrenheit in the next century.

According to *Environment & Energy Daily*, the new data show "predictions about global warming have exaggerated its potential effects."

"Since water vapor is the most important heat-trapping greenhouse gas in our atmosphere," stated a related March 15 NASA press release, "some climate forecasts may be overestimating future temperature increases."

Stated NASA, "In most computer models relative humidity tends to remain fixed at current levels. Models that include water vapor feedback with constant relative humidity predict the Earth's surface will warm nearly twice as much over the next 100 years as models that contain no water vapor feedback."

However, "The increases in water vapor with warmer temperatures are not large enough to maintain a constant



relative humidity," NASA quoted Minschwaner as saying.

"These new findings will be useful for testing and improving global climate models," said NASA.

Computer Models Fail Test

Another study, published at the same time as the analysis of new NASA data, also undercut claims that computer models are accurate predictors of future climate.

The study, published in *Climate Research* (25:185-190), noted that "an important test of model predictive ability and usefulness for impact studies is how well models simulate the observed vertical temperature structure of the troposphere under anthropogenically-induced-change scenarios."

In other words, the predictive accuracy of alarmist computer models can be assessed by feeding past atmospheric data into the models and observing how well the resulting predictions match up with the current climate. "If this predicted feature of global warming is not evident in the real world," stated Sherwood Idso of the Center for the Study of Carbon Dioxide and Global Change, "there is little reason to believe anything else the models predict, including both the cause and (or) magnitude of the observed surface warming."

Importantly, according to the *Climate Research* study, "at no time, in any model realization, forced or unforced, did any model simulate the presently observed situation of a large and highly signifi-

cant surface warming accompanied with no warming whatsoever aloft."

Moreover, noted the study, "significant errors in the simulations of globally averaged tropospheric temperature structure indicate likely errors in tropospheric water-vapor content and therefore total greenhouse-gas forcing. Such errors argue for extreme caution in applying simulation results to future climate-change assessment activities and to attribution studies (e.g. Zwiers and Zhang, 2003) and call into question the predictive ability of recent generation model simulations."

New Studies Debunk Kilimanjaro

A new study in the March issue of *International Journal of Climatology* further debunked alarmist claims that global warming is causing a retreat of the famous alpine glacier atop Africa's Mount Kilimanjaro.

Alarmists have recently used the backdrop of Mount Kilimanjaro to gain international media coverage for their predictions of catastrophic human-induced climate change. Showing photographs they claim document a significant decline in Kilimanjaro's snowcap over recent decades, alarmists have used Kilimanjaro as an effective visual-byte for "irrefutable evidence" that significant global warming is occurring.

Senator John McCain (R-Arizona) displayed such before-and-after Kilimanjaro photos in support of his unsuccessful recent attempt to pass a global warming bill in the U.S. Senate.

(See "Global Warming Bill Defeated in Senate," *Environment & Climate News*, November 2003.)

According to the new study, however, reductions in the Kilimanjaro snowpack are due to regional recent dry weather patterns rather than a warming of the atmosphere. The study's authors found no evidence that human factors have played any role in the regional dry spell or any other factor associated with the retreat of the Kilimanjaro glacier.

"Now the pendulum has swung," commented the March 23 *New York Times*. "The authors wrote that the dry weather both limited the snows that help sustain tropical glaciers and, by reducing cloud cover, allowed more solar energy to bathe the glacier. In dry, cold conditions, the ice vaporized without melting first, a process called sublimation. There was no evidence that rising temperatures had caused the melting."

The *International Journal of Climatology* study supports the conclusions of other recent studies that have cast doubt on the asserted link between global warming and the retreat of the Kilimanjaro snowpack.

According to a November 24, 2003 article published in *Nature* magazine, "Although it's tempting to blame the (Kilimanjaro) ice loss on global warming, researchers think that deforestation of the mountain's foothills is the more likely culprit. Without the forests' humidity, previously moisture-laden winds blew dry. No longer replenished with water, the ice is evaporating in the strong equatorial sunshine."

Added S. Fred Singer, professor emeritus of environmental sciences at the University of Virginia and president of the nonprofit Science & Environmental Policy Project in Arlington, Virginia, "Surface measurements of East Africa show no warming trend. Weather satellites show a pronounced cooling trend of the atmosphere there. No one has questioned these data."

"Kilimanjaro turns out to be just another snow job, precipitated by a journalistic community that has lost its desire for critical factual investigation when it comes to our globe's environment," summarized Pat Michaels, research professor of environmental sciences at the University of Virginia and a past president of the American Association of State Climatologists.

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Attack

Continued from page 1

Contrast the Bush administration's circumspect approach with how the UCS—according to documents I obtained when researching my book, *Silencing Science* (Cato Institute, 1999)—advised its members to give media interviews about global warming in a 1997 memo:

"1. Stay on message. The message is simple—global warming is a serious problem ... we must take action now to fight global warming.

"2. Don't confuse them with doubt. In other words, don't talk like a scientist, with caveats and error bars. Emphasize the word consensus.

"3. Don't talk too much. So practice your soundbites and don't get trapped into giving the reporter what he is looking for. Set your time limit in advance ... so that you can terminate the interview before you are in over your head without appearing to be evasive ... Your main purpose is to advocate, not to educate."

Contrary to UCS's message, the reality is that global climate is anything but simple. There is much uncertainty. Advocacy with utter disregard to the complexity and uncertainty is tantamount to scientific malpractice.

The UCS spotlighted quotes from former EPA officials that would be split-

your-pants funny but for the intellectual and moral bankruptcy they reflect.

"In all my time at the EPA, I don't recall any regulatory decision that was driven by political considerations," said Russell Train, EPA administrator under Presidents Nixon and Ford.

And I don't recall any regulatory decision at EPA that *hasn't* been driven by political considerations. EPA has always been a highly politicized federal agency.

Even if it was somehow true that Train was never pressured by the White House during his EPA tenure, he was a self-avowed environmentalist and is chairman emeritus of the eco-activist World Wildlife Fund. And yet, according to Train, only the "other side" is politically motivated.

As part of its accusation that the Bush administration suppressed scientific research and information, the UCS cites Nixon-era EPA Administrator William Ruckelshaus as saying it's not legitimate to withhold a scientific analysis just because you don't like the outcome.

Case in Point: DDT

Ruckelshaus, of course, had a special talent for dealing with scientific analysis he didn't like—he just ignored it.

At the conclusion of the 1971-1972 EPA hearings on whether the insecticide DDT should be banned, the EPA judge concluded DDT was not a threat to human health or to the environment.

Then-EPA Administrator Ruckelshaus banned DDT anyway.

But Ruckelshaus never attended the hearings, didn't read the transcript, and refused to release the materials used to make his decision. He even rebuffed a U.S. Department of Agriculture effort to obtain those materials through the Freedom of Information Act, claiming they were just "internal memos."

This wasn't surprising given Ruckelshaus' bias. He was a closet environmentalist who personally raised money for the Environmental Defense Fund, an activist group that led the charge to ban DDT.

Litmus Test

The UCS report also criticized the Bush administration for picking people to serve on advisory committees based on their ideology. The UCS quoted Clinton-era EPA pesticide chief Lynn Goldman as saying, "The Clinton administration did not do this ... They did not exclude people based on some sort of litmus test."

That's flat-out false. In one instance that comes to mind, the Clinton administration was sued for excluding global warming skeptics from meetings of a federal advisory committee preparing a report on global warming.

The UCS report was issued along with a statement—signed by 12 Nobel Prize winners—protesting the Bush administration's alleged "misuse of science." I suppose UCS hoped the Nobel laureates

would add gravitas to its silly report.

But none of the Nobelists have any notable expertise in any of the public policy issues raised in the report. A Nobel Prize for accomplishment in particle physics or retrovirus research doesn't automatically translate into expertise on global warming and other regulatory issues.

Moreover, public policy controversies usually involve more than just science—economics, law, and politics come to mind—and are quite different from the basic scientific research conducted in an ivory tower. Nobel laureates certainly have the right to opine on public policy issues, but their scientific discoveries don't tend to render their opinions particularly valuable.

If the 12 Nobel laureate signatories truly want to fight the politicization of science, they might start by withdrawing their signatures from the UCS report.

Steven Milloy, an adjunct scholar at the Cato Institute, is the author of *Junk Science Judo: Self-Defense Against Health Scares and Scams* (Cato Institute, 2001). His email address is milloy@cais.com.

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EDITORIAL

Kudos to Chicago Tribune for Accurate Reporting



by James M. Taylor

The nation's major media outlets have been rightfully and often criticized for failing to do their homework regarding the science behind alarmist environmental claims. Over the years, *Environment & Climate News* has not hesitated to call attention to inaccurate reporting.

We are obliged, then, to note when the press does its homework, as recently occurred at the *Chicago Tribune*. While the *Tribune* frequently reports unsubstantiated environmental scares as if they were scientific fact, the newspaper deserves praise for a recent story about nuclear power.

A New York-based environmental activist group, the Radiation and Public

Health Project (RPHP), recently released a study about nuclear reactors located in Morris, Illinois, about an hour southwest of Chicago. The group published statistics it claimed were evidence of an alarming epidemic of cancer and infant health problems in the vicinity of Morris's Dresden 2 and 3 nuclear reactors.

The *Tribune* asked Tiefu Shen, chief

at birth defects from 1992 to 2001. For cancer rates, it was 1986 to 1999."

The *Tribune* also exposed one of the group's most eye-catching claims:

"The cancer rate for Grundy County youths (15 years old and younger) nearly quadrupled. The baseline was 1990 to 1994, when there was one instance of cancer recorded. That was compared to 1995 to 2000, when there were six.

"Sentence by sentence, statistical assertion by statistical assertion, the *Tribune* debunked RPHP's anti-nuclear alarmism like a poultry processing machine de-boning a chicken."

of the Illinois Department of Public Health's division of epidemiological studies, to examine the alarmist claims. Citing Shen's analysis, the *Tribune* on February 21 exposed the claims as a sham.

Reported the *Tribune*, "A clue that something's fishy is that the group cherry-picked time frames instead of looking at health statistics over the same period of time. The group examined infant deaths from 1990 to 2000. But it looked

Adjust for population growth, annualize the rates and voila! The group can claim a 377 percent increase in cancer rates.

"What the group doesn't mention is the inconvenient fact that Grundy County's cancer rate for youths 15 and under is lower than the state's. (Grundy County's rate was 8.1 cancers per 100,000 people from 1990 to 2000; the state's was 13.7 per 100,000.)

"A statistician would rightly point out that the smaller the population,

the less reliable health statistics will be. Statistically, Grundy County's cancer rate for youths is indistinguishable from the state's rate. The key point is that there's no sign of an unusual amount of cancer among Grundy County youths."

Sentence by sentence, statistical assertion by statistical assertion, the *Tribune* debunked RPHP's anti-nuclear alarmism like a poultry processing machine de-boning a chicken. "Overall, we don't see a systematic pattern indicating that Grundy County's health statistics are worse than the state's," Shen told the *Tribune*.

Summarized the *Tribune*, "Critics only lose credibility by stoking fears with trumped-up statistics purporting to show a link between nuclear plants and illness. The Radiation and Public Health Project's case is a dud."

The *Tribune* has set for itself—and its media colleagues—a high standard to live up to. One hopes it will adhere to its own advice when reporting flavor-of-the-month environmental scares.

James M. Taylor is managing editor of *Environment & Climate News*. His email address is taylor@heartland.org.

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New Highway Construction Coexisting with Cleaner Skies

Alarmist study refuted by recent data

by Joel Schwartz

According to a new report by the Public Interest Research Group (PIRG), "building new highways will do little to alleviate traffic congestion in the long run and likely will exacerbate already severe air pollution problems in metropolitan areas across the country." PIRG asserts the only solution is to restrict how much people can drive and build more public transit.

The report, "More Highways, More Pollution," is the latest effort by anti-automobile activists to torture the data until it gives the desired confession. In fact, despite a tripling of urban driving during the past 30 years, air pollution has fallen dramatically, while areas that have more freeway lane-miles per capita have lower traffic densities.

from motor vehicles. Air toxics have also declined. Ambient levels of benzene—which also comes mainly from motor vehicles—dropped more than 70 percent across the U.S. between 1989 and 1999.

Highways and Air Pollution

PIRG reports total miles driven in urban areas tripled between 1970 and 2002. Thus, the U.S. achieved extraordinary air pollution reductions despite dramatic increases in driving. Those facts are lost on PIRG, which ignores past pollution trends and claims pollution is "severe" and getting worse.

In PIRG's imaginary world, "The experience of the last 30 years has shown that limits on tailpipe emissions—while necessary—are not enough to resolve the problem of vehicular air pollution. Any

Driving and Air Pollution

PIRG claims building more highway capacity will increase driving and therefore air pollution. But if building highways inevitably increases air pollution, we should have seen a huge increase in air pollution during the past few decades. Just the opposite occurred.

While 60 percent of the nation's ozone monitors violated the one-hour ozone standard in the late 1970s, only 10 percent do so today. Areas with the worst pollution achieved the greatest gains. For example, the San Bernardino, California area exceeded the one-hour standard more than 150 times per year in the late 1970s, but it is in violation only 20 to 30 times per year today.

The nation has likewise made great progress on airborne particulate matter (PM). Only a few percent of the nation's monitoring locations still violate the PM10 standard. About 20 percent violate EPA's new and much more stringent PM2.5 standard, but even PM2.5 levels have steadily declined, falling by about 40 percent during the past 25 years. Recent monitoring data show those declines are continuing.

Although at least 90 percent of urban carbon monoxide (CO) emissions come from motor vehicles, more than 99 percent of the U.S. has met the federal CO standard since the early 1990s. The remaining few violating locations recently came into attainment.

Similarly, the entire U.S. has been in attainment of the nitrogen dioxide (NOx) standard for more than a decade, although again most NOx emissions come

"PIRG's fanciful claims notwithstanding, technology will continue to win the battle against air pollution without the need to restrict people's travel choices."

strategy to reduce health threats from air pollution must include a strategy to curtail the growth of vehicle travel."

Ironically, even PIRG's own numbers don't support its conclusions. For example, PIRG notes, "Vehicles are 80 to 99 percent cleaner per mile than vehicles produced in the late 1960s."

Assume then that per-mile emissions of the average vehicle declined 90 percent since the late 1960s—the middle of PIRG's range. If driving hadn't increased, that would have led to a 90 percent decrease in total emissions. Put another way, if emissions equaled 1.0 in 1969, they would equal 0.1 today.

But PIRG notes driving has tripled since the late 1960s. Multiplying today's emissions without an increase in driving (0.1) by three (to account for the tripling of driving) means today's emissions are just 30 percent (0.3) what they were in 1969. In other words, even with a tripling of driving, technological improvements in vehicle emissions control reduced total emissions by 70 percent.

On-road measurements show vehicle emissions are dropping about 10 percent

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per year due to fleet turnover. Driving is increasing only about 1 to 3 percent per year, for a net decline in emissions of 7 to 9 percent per year. Because more recent vehicle models start out and stay cleaner than earlier models, fleet turnover will continue to clean the air. New SUVs have been as clean as new cars for the past several years, so the popularity of larger vehicles won't affect future air quality.

EPA regulations that phase in during the next few years require an additional 70 to 90 percent reduction in new-vehicle emissions from cars and diesel trucks, ensuring that most remaining motor vehicle pollution will be eliminated during the next 20 years or so. PIRG's fanciful claims notwithstanding, technology will continue to win the battle against air pollution without the need to restrict people's travel choices.

Highways and Congestion

PIRG believes building highways "induces" more demand for travel, eliminating any gains from extra road capacity. If people had an infinite demand for automobile travel this might be the case. But in the real world, cities with more highway lane-miles per capita actually have lower traffic densities, as shown in Figure 1.

As transportation researcher Randal O'Toole puts it, "travel that is 'induced' by added capacity is actually travel that had been repressed or shifted by capacity shortages." Between 1980 and 2000 the number of cars in the U.S. increased 50 percent, while total miles driven increased 75 percent. Yet road capacity—the number of road miles—increased by only about 5 percent. Recent increases in congestion aren't due to building more freeways, but are "due to more driving without a similar increase in freeways."

Most Americans consider the unparalleled convenience and flexibility of the automobile to be a great benefit. Even with increasing congestion due to lagging road investments, most Americans still prefer driving to other modes of transportation. PIRG wishes it were otherwise, but getting people to use transit is no easy task.

Metropolitan planning organizations, the regional agencies that draft metropolitan transportation plans, predict even spending thousands of dollars per capita on new urban transit services—hundreds of billions on a nationwide basis—would at most reduce single-occupant-vehicle trips by a few percent below "business as usual." The urban densities required to make transit viable would increase congestion, because per-capita driving decreases only modestly with increasing density.

Instead of providing infrastructure for the types of transportation Americans most desire, PIRG aims to end highway building and increase transit. Where the vast majority of Americans see great net benefits to automobile travel, PIRG sees only costs. Rather than pursue the "public interest," PIRG seeks to override Americans' preferences.

False Premises

PIRG's staff carefully chose and structured the data to tell the story they wanted to tell. But they didn't do a very good job.

PIRG used for its estimates the Environmental Protection Agency's official inventory of volatile organic compound (VOC) and NOx emissions. Those inventories have never passed a real-world validation test.

For example, PIRG claims, based on EPA estimates, that 29 percent of VOC emissions come from on-road vehicles. But real-world studies in several cities show the actual contribution ranges between 50 and 85 percent. PIRG could have bolstered its anti-automobile case if its staff were familiar with basic air pollution science.

Indeed, PIRG didn't even bother to check its central claim that per-capita pollution emissions correlate with ambient pollution levels. They don't. As shown in Figure 2, there is no correlation between PIRG's estimate of emissions per capita and actual measured ozone levels.

Several factors could explain this. First, PIRG naively used EPA's incorrect emissions inventory. Second, pollution levels vary based on differences in weather from place to place. Third, urban form affects pollution levels. Higher population density means more emissions per unit area. Suburbanization might increase driving, but it reduces the den-

"Instead of providing infrastructure for the types of transportation Americans most desire, PIRG aims to end highway building and increase transit."

sity of emissions much more.

Ambient pollution levels are what matter for health. If higher per-capita emissions don't translate into higher ambient pollution levels, then PIRG's entire study is based on a false premise.

Most people prefer auto-based lifestyles, and technology and fleet turnover are mitigating air pollution. Instead of trying to make motorists miserable, scarce transportation dollars should instead be allocated to reflect the actual relative demand for transit and auto travel. That would allow cities to provide the additional automobile infrastructure necessary to keep up with travel demand, reduce road congestion, and provide a transportation system that meets people's needs.

PIRG's report should provide grist for courses in critical thinking, but shouldn't be taken seriously as a guide for policymakers.

Joel Schwartz is a visiting fellow at the American Enterprise Institute and author of the AEI study "No Way Back: Why Air Pollution Will Continue to Decline." This essay was first published by TechCentral Station on March 16, 2003.

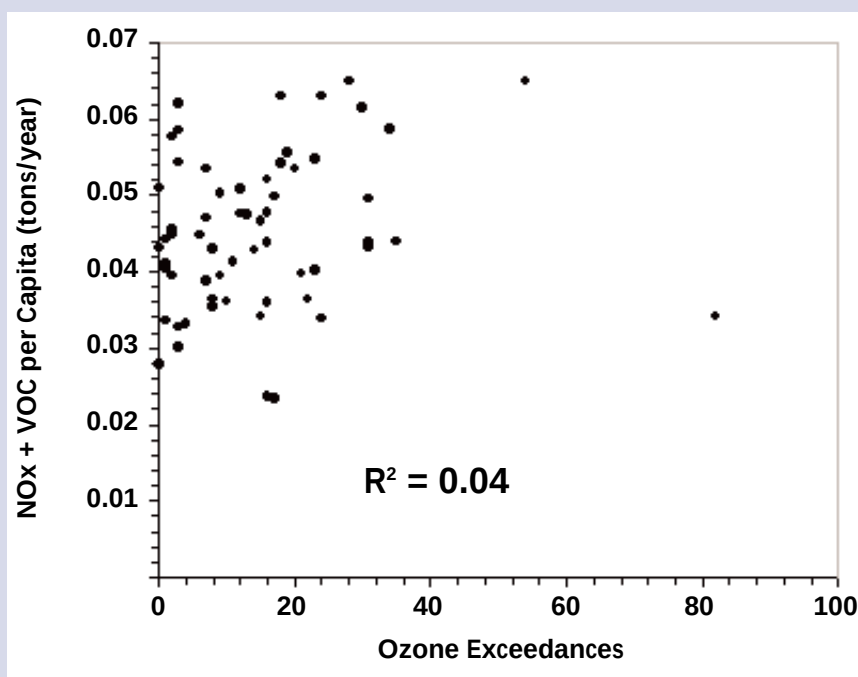


Figure 1. Relationship between Driving and Highway Miles

Analysis by Wendell Cox, based on 1999 data from the Texas Transportation Institute for urbanized areas with more than 1 million population. Each point represents an urbanized area. Slope is statistically significant at the 99.9 percent level.

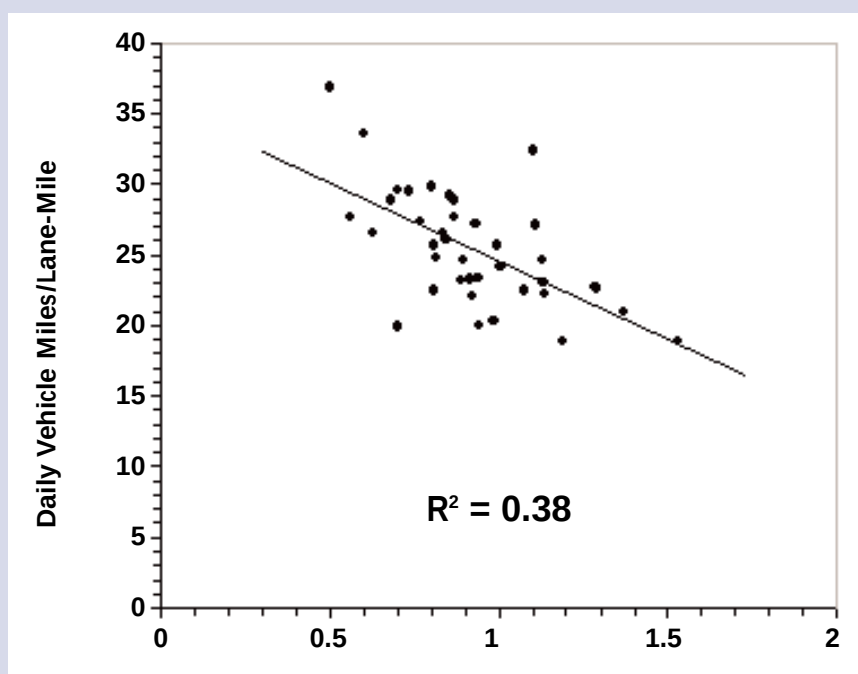


Figure 2. PIRG's Estimate of Per-Capita Motor Vehicle Emissions vs. Ozone Levels

Each point represents a single metropolitan statistical area (MSA). "NOx + VOC per capita" is for 1999 and is from the PIRG report. All MSAs with more than 1 million population are included. "Ozone exceedances" is the number of eight-hour ozone exceedances in 1999 at the worst location in each MSA. Ozone data were downloaded from EPA at <http://www.epa.gov/air/data/repus.html?us-usa~United%20States>.

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